

# Special Recreation Permit Information



## Commercial, Competitive and Special Events

On BLM Administered Public Lands  
(Revised 2008)



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## CHAPTER I: Information for all Types of Permits

### USES REQUIRING PERMITS

1. A **commercial permit** is required when anyone intends to make recreational use of the public lands and related waterways for business or financial gain.

- *When any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation from participants in recreational activities occurring on public lands, the use is considered commercial.*
- *An activity, service, or use is commercial if anyone collects a fee or receives other compensation that is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity, service or use.*
- Commercial use may also be characterized by public advertising for participants or situations where a duty of care or expectation of safety is owed the participants by service providers as a result of compensation.
- Use by scientific, educational, and therapeutic institutions or non-profit organizations is considered commercial when the above criteria are met and subject to a permit when the above conditions exist. Non-profit status of any group or organizations does not, in itself, determine whether an event or activity arranged by such a group or organization is non — commercial. Profit-making organizations are automatically classified as commercial, even if that part of their activity covered by the permit is not profit making.

2. A **competitive permit** means any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete and either of the following elements apply:

- Participants register, enter, or complete an application for the event; or

- A predetermined course or area is designated.
- It also means one or more individuals who are contesting an established record such as speed or endurance.

3. **Vending** — vending permits are temporary, short-term, non-exclusive, revocable authorizations to sell goods or services on public lands in conjunction with a recreation activity.

4. **Special Area Use** — permits may be required for individual (private, non-commercial) recreation use in Special Areas. Special Areas are areas officially designated by statute or Secretarial order including: components of the National Trails System, the National Wild and Scenic Rivers System, the National Wilderness System, National Conservation Areas and Monuments or National Recreation Areas or any area where the authorized officer determines that the resources require special management or control measurements for their protection (i.e., Special Recreation Management Areas, floating BLM-managed areas).

5. **Organized Group Activity and Event Use** — organized group/event permits are for group outdoor recreation activities or events which are neither commercial nor competitive. The authorized officer determines when a permit is required based on planning decisions, resource concerns, user conflicts, public health and safety, and/or the need for monitoring.

### BLM'S SPECIAL RECREATION PERMIT POLICY

All commercial, competitive, special area use, and organized group activity and event use on Colorado's public lands meeting the above criteria must be authorized by Special Recreation Permit before it occurs. Special Recreation Permits are issued at the discretion of the Field Manager who may, at any time and without prior notice, choose not to issue permits for certain activities or use areas. Such decisions could be based on a variety of factors such as planning decisions, potential resource impacts, existing outfitters in the same area, overcrowding, past poor performance and

others.

Some developed recreation facilities do require Recreation Use Permits for site use. Please

## EXCEPTIONS

*The Field Manager determines whether an event or activity falls under one of the following exceptions. Please check and ask for an exception in writing before you assume that your event is an exception.*

1. When BLM sponsors, or co-sponsors, uses such as activities that take place as a result of cooperative agreements.-
2. Where a use or event begins and ends on non-public lands or related waters, traverses less than 1 mile of public lands, or 1 shoreline mile, and poses no threat of significant damage to public land or water resources values. This may not apply to special areas for example National Conservation Areas, Wilderness Areas, etc.
3. Competitive events when they are not commercial, comply with land use plan decisions and designations, do not award cash prizes, are not publicly advertised, poses no risk for damage to public land or related water resource values, and require no monitoring.
4. An organized group activity or event is not commercial, is not publicly advertised, poses no appreciable risk for damage to public land or related water resource values, and requires no specific management or monitoring.
5. Non-recreation uses such as research projects requested by BLM, or administrative use by other Federal or state agencies, do not generally require an SRP. However, individual permits in special areas may still be required.

check with the responsible Field Manager for possible new individual or group permit requirements before beginning your outing.

## Changes for 2008

New SRP administrative fees:

\$100 for new Applications  
\$50 for Renewals  
\$100 for Transfers

- A statewide application fee will make consistent the cost of applying for and receiving a commercial SRP from BLM. This will be a non-refundable application fee.
- Currently, Colorado offices have been requiring the \$90 minimum use fee for new permit applications. If a permit is not issued, some offices return the funds while some offices keep the fee to offset the costs of evaluation.
- Application fees are set by the State Director and are used to offset the cost of processing SRP applications. Application fees may be charged in addition to the fees set in the Director's national recreation fee schedule. These fees might be assessed for processing permit renewals or transfers, lottery or reservation systems, or any other special service rendered to process the SRP.
- The fee would put dollars spent on processing permits back into field offices for on the ground work such as law enforcement, seasonal employees, site improvements, etc.
- The public and private outfitters will benefit from the fee through increased law enforcement capabilities, further funds for signing and interpretive education, and a greater presence by BLM staff in the field to control illegal operations on public lands.

**ITEMS THAT ARE GENERALLY REQUIRED WITH YOUR APPLICATION**  
*(Please check with local Field Office where you're applying for specific requirements)*

1. A completed and signed application.\*
2. A current **operating plan**.\*\*
3. A marked-up **map** showing all areas proposed for guiding and outfitting operations. Include base and spike camp locations, locations of locked gates, trails and roads used, and outline owned or leased private lands.\*\*
4. A copy of all **outfitters licenses** and/or **registrations** required by the Colorado Division of Parks and Outdoor Recreation (State Parks Board) and/or the Office of Outfitter Registration (Department of Regulatory Agencies) and/or a Colorado State Child Care License if you work with minors.\*\*\*
5. A valid **insurance policy** identifying the U.S. Government as additionally insured.  
(See page 10 for minimum acceptable liability insurance coverage.)
6. Use Fee Payments calculated according to estimated use included in your application.  
**Commercial Use Fee Payments** are calculated at 3% of total projected client charges or a \$90 annual minimum, whichever is greater.  
**Competitive Use Fee Payments** are calculated at \$4.00 per user day or 3% of gross receipts, whichever is greater.  
**Individual or Group Fee Payments** are calculated at \$4.00 per user day.
7. A copy of your current **brochure** and **price list**.\*\*\*
8. A copy of your blank client contract/waivers.
9. A signed copy of the standard stipulations, page 14-23 and page 24-25 for competitive & OHV events.

*Note: \* Not required for multi-year permittee having a permit that is still valid.*

*\*\* Multi-year permittee need only submit if the use areas or operation for the current year differ from the map or operating plan which you included with your original permit application.*

*\*\*\* Only required for commercial permittee.*

**At their discretion, Field Managers may also require that you submit additional information to supplement the above.**

**USE AUTHORIZATION GRANTED BY SPECIAL RECREATION PERMITS (SRPs)**

These permits authorize recreation use of specific public lands areas administered by BLM. They convey no use privileges on other lands (e.g., private, state, USDA Forest Service, etc.). Public roads and other public lands provide the only legal access to lands for which use is authorized by permit unless the permittee has obtained prior permission from other landowners.

## **AUTHORITIES**

- Federal Land Policy and Management Act of 1976, as amended, P.L. 94-579 (43 U.S.C. 1701 et seq.)
- Land and Water Conservation Fund Act of 1965, as amended, P.L. 88-578 (16 U.S.C. 460 (1-6a) et seq.)
- Wilderness Act of 1964, P.L. 88-577 (16 U.S.C. 1131)
- National Trails Systems Act of 1968, as amended, P.L. 90-543 (16 U.S.C. 1241, et seq.)
- National Wild and Scenic Rivers Act of 1968, P.L. 90-542 (16 U.S.C. 1271-87, et seq.)
- Sikes Act of 1974, P.L. 93-452 (16 U.S.C. 670, et seq.)
- National Environmental Policy Act of 1969, P.L. 91-190 (42 U.S.C. 4321, et seq.)
- Part 516, Departmental Manual, Chapter 6, Appendix 5 — Categorical Exclusion Review
- Title 36 CFR, Subpart 71 — Recreation Fees
- Title 43 CFR, Subpart 2932 — Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups and Recreation Use in Special Areas
- Office of Management and Budget Circular A-25 of 1993 Revised
- Federal Lands Recreation Enhancement Act (FLREA), H.R. 4818, Section 8, (c)

## WHERE TO APPLY BLM FIELD OFFICES IN COLORADO

[www.blm.gov/co](http://www.blm.gov/co)

### **Canyon of the Ancients National Monument**

27501 Hwy 184  
Dolores, CO 81323  
(970) 882-4811

*Note: No new commercial permits issued at this time.*

### **Columbine Field Office**

110 W. 11<sup>th</sup>  
Durango, CO 81301  
(970) 884-1400 or (970) 375-3310

### **Glenwood Springs Field Office**

50629 Highways 6 & 24  
Glenwood Springs, CO 81601  
(970) 947-2800  
*Note: Contact for New SRP Policy*

### **Grand Junction Field Office**

2815 H Road  
Grand Junction, CO 81506  
(970) 244-3000  
*Note: Contact for New SRP Policy*

### **Gunnison Field Office**

216 North Colorado  
Gunnison, CO 81230  
(970) 641-0471

### **Gunnison Gorge National Conservation Area**

2505 S. Townsend Ave.  
Montrose, CO 81401  
(970) 240-5300  
*Note: No new commercial permits issued at this time.*

### **Kremmling Field Office**

2103 E. Park Ave.  
P.O. Box 68  
Kremmling, CO 80459-0068  
(970) 724-3000  
*Note: Contact for New SRP Policy*

### **Little Snake Field Office**

455 Emerson  
Craig, CO 81625  
(970) 826-5000

### **Mancos/Dolores Field Office**

100 N. 6<sup>th</sup> St.  
P.O. Box 210  
Dolores, CO 81323  
(970) 882-7296

### **McInnis Canyons National Conservation Area**

2815 H Road

Grand Junction, CO 81506

(970) 244-3000

*Note: Contact for New SRP Policy*

### **Royal Gorge Field Office**

3170 East Main  
Canon City, CO 81212  
(719) 269-8500  
*Note: SRP applications are accepted once a year on  
December 1.*

### **San Juan Public Land Center**

15 Burnett Ct.  
Durango, CO 81301  
(970) 247-4874

### **San Luis Valley Public Land Center**

1803 W. Highway 160  
Monte Vista, CO 81144  
(719) 852-5941

### **Uncompahgre Field Office**

2505 South Townsend  
Montrose, CO 81401  
(970) 240-5300

### **White River Field Office**

73455 Highway 64  
Meeker, CO 81641  
(970) 878-3800



## LAND USE ETHICS

Please, treat your surroundings, and your fellow visitors, with respect.

We encourage all permittees to practice TREAD LIGHTLY AND LEAVE NO TRACE! land ethics.

### TREAD LIGHTLY! PLEDGE:

**T**Travel and recreate with minimum impact.

**R**espect the environment and the rights of others.

**E**ducate yourself, plan and prepare before you go.

**A**llow for future use of the outdoors, leave it better than you found it.

**D**iscover the rewards of responsible recreation.

### PRINCIPLES OF LEAVE NO TRACE!

#### *Plan ahead and prepare*

- Know the regulations & special concerns
- Prepare for extreme weather, hazards, and emergencies.
- Visit in small groups. Split larger parties into groups of 4-6.
- Repackage food to minimize waste.
- Use a map.

#### *Travel and camp on durable surfaces*

- Camp at least 200 feet from lakes and streams.
- Concentrate use on existing trails & campsites.
- Walk single file in the middle of the trail, even when wet or muddy.
- Keep campsites small.
- Disperse use to prevent the creation of campsites and trails.
- Avoid places where impacts are just beginning.

#### *Dispose of waste properly*

- Pack it in, pack it out.
- Deposit solid human waste in cat holes dug 6 to 8 inches deep at least 200 feet from water, camp and trails.
- Pack out toilet paper & hygiene products.
- Wash 200 feet away from stream or lakes.

#### *Leave what you find*

- Preserve the past, examine, but do not touch, cultural or historic structures.
- Leave rocks, plants & other natural objects as you find them.
- Avoid introduction or transporting non-native species.

#### *Minimize campfire impacts*

- Use lightweight stove for cooking.
- Where fires are permitted, use established fire rings, fire pans or mound fires.
- Keep fires small.
- Put out campfires completely, then scatter cool ashes.

#### *Respect Wildlife*

- Observe wildlife from a distance.
- Never feed animals.
- Store rations and trash securely.
- Control pets at all times.
- Avoid wild during sensitive times.

#### *Be considerate of other visitors*

- Respect other visitors.
- Be courteous.
- Step to the downhill side of trail when encountering pack stock.
- Camp away from trails & other visitors.
- Avoid loud voices & noises.

## CHAPTER II: Permits

### PERMIT DURATION

Commercial outfitters may receive a 10-year permit, at the discretion of the BLM Field Manager after two acceptable seasons. Multi-year permits must be accompanied by an Annual Operating Authorization in order to be valid. Criteria used to determine appropriate permit length include management objectives, resource management planning time frames, environmental risks involved, public need for the intended use, and a permittee's past or current performance rating. BLM does not use or recognize the term "priority use."

### APPLICATION FEES

Application fees are:

- \$100 for new Applications
- \$50 for Renewals
- \$100 for Transfers.

### COMMERCIAL FEES

The minimum annual fee is \$90 or 3% of the permittee's gross revenue (allowing certain deductions for lodging and transportation), whichever is greater. (See definition for commercial use on page 2). Gross receipts include total income which has been generated from the permitted activity before deducting costs such as insurance, prizes, other permit or license fees, etc. Gross receipts also include total supplemental money collected through sponsor contributions, other donations, the sale of clothing, insignia, specialized equipment, or food and beverage when sold incidental to the permitted activity.

Annual permit applicants are to make pre-season payments equal to their estimated total client charges for the amount of use proposed in their application, minus allowable proposed deductions, times 3%. First time applicants should make pre-season payments based on total estimated season use. If deductions are proposed, applicants must submit a completed Optional User Fee Worksheet (see Appendix). Additional fees may be charged for grazing of saddle and pack stock. Multi-year permittees normally make pre-season use fee payments equal to their previous year's final total season payments.

At the Field Manager's discretion, applicants whose projected use fees exceed \$1,000 may make periodic advance payments instead of one lump sum pre-season payment. Contact the managing BLM Field Office for details.

**COMPETITIVE FEES:** A minimum fee of \$90 or \$4.00 per user day or 3% of gross receipts, whichever is greater.

**ORGANIZED GROUP ACTIVITIES AND EVENT FEES:** A minimum fee of \$90 or \$4.00 per user day, whichever is greater.

### PAYMENT OF USE FEES

A payment reflecting estimated use will be required prior to use. The fee will be adjusted, based on actual use, after use is completed.

### COST RECOVERY

Cost recovery is a charge based upon the actual personnel, vehicle, travel and materials costs required to issue, administer and monitor the SRP.

BLM has been directed to recover costs of processing and administering SRPs. At the discretion of the issuing Field Office, additional charges may be levied to cover these costs. These costs may be greater for new permits and for substantial changes to existing permits. Because these charges are administrative, they will be in addition to any normal use fees incurred. Authorized officers will notify affected permit applicants or permit renewals of these charges in writing within 30 days of receiving applications or the intent to renew.

### 50-hour Threshold

While the above is discretionary, BLM policy makes cost recovery mandatory for all administrative work that involves 50 or more hours to complete, beginning with the first hour.

For commercial users, cost recovery charges are in addition to fees (\$90 or 3%). For competitive or organized group permits which exceed the 50 hour threshold, cost recovery will be charged in addition to the fee schedule unless anticipated fees exceed the cost recovery charge. In that

case, use fees will be charged rather than cost recovery. When cost recovery is necessary, the authorized officer shall notify the applicant of potential charges in writing within 30 days of receipt of the application.

### **Other Fees Associated with SRPs**

1. Assigned site fees of \$180 are in addition to the recreation fee schedule. Assigned sites for commercial use do not preclude public use.
2. Exclusive use fee. The authorized officer may determine that to protect public health or safety or to eliminate user and resource conflicts, permittees may require exclusive recreation use of a site to conduct their activity. The exclusive use fee is established by the State Director.
3. Grazing fees may be charged for livestock grazing or trailing associated with a SRP and will be calculated based on the grazing fee formula in effect at the time the SRP is issued.

### **REPORTING**

**The Post Use Report** is due within 30 days of the last day of permitted use or date established on permit. At the close of season, actual use fees will be determined from the Post Use Report. (However, to save time and money, you have the option to compute what you may owe and send it in with your post use report). Permittees who have overpaid must request a refund or overpayment will be automatically credited to next year's fees. Permittees who have underpaid will be billed for the account balance. Final payments are due within 30 days of the date of BLM's final billing, which cannot be issued until the Post Use Report is received. **Failure to meet these deadlines will result in remedial action against the permittee, (late fees, probation, suspension, or revocation).**

**Deductions and discounts** may be allowed and must be approved in advance. Certain transportation and lodging costs may be deductible. These must be incurred before arrival at the beginning of a trip and after departure at the end of a trip from permittee's headquarters or the local community. Costs incurred between the permittee's headquarters or local community and public lands and costs

incurred during the permitted activity, whether on or off public lands, do not qualify.

Upland outfitters may qualify for additional discounts based on time spent off public lands during the permitted activity.

### **PAYMENT OF USE FEES**

A payment reflecting estimated use is required prior to authorization for use. The fee will be adjusted based on use as documented in the Post Use Report.

## **INSURANCE REQUIREMENTS**

An insurance certificate must be submitted with the permit application, including a provision to notify the appropriate BLM Field Manager(s) before the policy is either modified or terminated. BLM Field Managers may require greater coverage where a potential for higher claims exist. BLM minimum acceptable liability insurance coverage is:

- \$300,000 damage per occurrence (persons, bodily injury or death);
- \$600,000 annual aggregate; and
- \$ 30,000 property damage for any one occurrence.

The insurance certificate must list the United States Government as additionally insured (not co-insured), state the limits of liability, state the activities that are covered by the policy, and specify that the insurer will give the additionally insured as well as the certificate holder 30 days written notice before cancellation of the policy. The Forest Service also needs to be identified as additionally insured for joint permits.

### **Bonds**

Bonds may be required for all permits. The requirement for a bond will be at the discretion of the authorized officer in each Field Office.

## **COOPERATIVE/JOINT PERMIT MANAGEMENT**

A Memorandum of Understanding between the BLM and USDA Forest Service in Colorado provides for the issuance of a single permit, simultaneously authorizing an outfitter's operation that spans a BLM-Forest Service agency boundary. Generally, the agency that issues these permits will be the one that administers lands where a) base camps are located or b) where the majority of use occurs. Outfitters will be charged the minimum \$90 fee for each agency. Therefore, the minimum fee for a joint permit is \$180. If 3% of gross revenue exceeds \$180, you will need to pay that additional amount.

On joint permits with the Forest Service, both BLM and the Forest Service CFR citations will be enforced. See standard stipulations IV. G. on page 17.

The Forest Service requires different insurance minimums than the BLM. Applicants should check with affected District Rangers and Field Managers to find out where to apply and different insurance minimums necessary. The higher of the insurance minimums for upland outfitting apply to all cooperative BLM-Forest Service permits:

Current Forest Service insurance minimums are:

- \$300,000 bodily injury for any one person;
- \$300,000 for any one occurrence; and
- \$ 50,000 property damage for any one occurrence.

Another cooperative agreement between the BLM and the Colorado Division of Wildlife (DOW) provides for cooperative compliance of upland permittee permit requirements. DOW law enforcement personnel may check for BLM permits on routine patrols, and BLM field personnel will alert DOW to potential violations of wildlife laws and regulations.

The Moab BLM District Office in Utah issues and administering permits for river outfitters running Ruby Canyon as an integral part of trips through Westwater Canyon in Utah and for those running the Utah portion of the Dolores River below Gateway, Colorado. Operators should file applications with: Moab Field Office, Bureau of Land Management, 82 E. Dogwood, Moab, Utah 84532 Phone: (435) 259-2100.

Although BLM in Utah issues these permits, BLM Colorado stipulations still apply for all use occurring on public lands within the State of Colorado.

## **REQUIRED STATE LICENSES**

You must provide BLM a copy of your state river outfitters license required by state law. Commercial river outfitters conducting hunting and/or fishing trips are required to obtain a state hunting authorization and appropriate fishing license as well.

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Outfitters involved in the taking of game and fish must obtain a license registration from:

Office of Outfitters Registration  
Colorado Department of Regulatory Agencies  
1560 Broadway, Suite 1340  
Denver, Colorado 80202  
Phone: (303) 894-7778  
[www.dora.co.state.us](http://www.dora.co.state.us)

Commercial river outfitters must obtain a license from:

Colorado Division of Parks and Outdoor Recreation  
Colorado Department of Natural Resources  
13787 South Highway 85  
Littleton, Colorado 80125  
Phone: (303) 791-1954

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## PERFORMANCE REVIEW STANDARDS FOR PERMITTEE EVALUATIONS

An annual performance evaluation is required of all commercial permittees. Its purpose is to evaluate permittee compliance with the operating plan including all applicable stipulations; determine if use complies with management plan objectives; evaluate whether to re-issue or extend the permit; receive permittee feedback on BLM management actions; and address special attention items specific to the affected use area. Performance review standards used are all applicable operating conditions.

Operating conditions that each permittee must abide by occur in four places: (1) The Operating Plan submitted with permit application, (2) conditions that are printed on the reverse side of the permit application (Form 2930-1), (3) Standard Stipulations attached to all permits and (4) Field Office Supplemental Stipulations, additional terms and conditions for specified public lands areas which may also be included with your permit at each BLM Field Manager's discretion. BLM reserves the right to revoke or alter the terms and conditions of these Special Recreation Permits at any time as necessary. **Failure to adhere to any of these operating conditions will result in remedial action(s) against the permittee.**

Three different performance levels are recognized:

**Acceptable** means that the permittee has generally operated in accordance with the terms and conditions established for the permit

**Probationary** means that the permittee has not operated in full accordance with the terms and conditions of the permit. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Permittee will only qualify for a 1 year permit. If this performance level is received 2 years in a row, the authorized officer may suspend or terminate the permit and/or deny future permit applications.

**Unacceptable** means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. This performance level will result in suspension, termination, or revocation of permit privileges as appropriate to the circumstances.

BLM reserves the right to revoke or alter the terms and conditions of Special Recreation Permits at any time as necessary.

## STANDARD STIPULATIONS

Refer to pages 14 - 23 for Special Recreation Permit terms, conditions and stipulations for all permitted activities.

## DEADLINES FOR PERMITS

### Commercial Permits

Check with your local field office for deadlines, schedules and permit availability for commercial permits.

### Competitive, Organized Groups and Events Use and Special Areas Use

Application must be submitted at least 180 days in advance of the first intended use date unless a shorter time is authorized by the Field Manager having jurisdiction over the public lands to be used. Contact local Field Offices for specific timelines.

**Note:** Several field offices are not accepting new applications. Contact the individual field offices.

## RIVER-RELATED COMMERCIAL PERMITS

River-related permits authorize use of BLM-administered public lands adjacent to Colorado's rivers, not of the actual rivers themselves. This is in conformance with Colorado State Law (18-4-504.5, C.R.S. 1973) which provides no authority for adjoining landowners to prohibit or otherwise control river floating use. This is also consistent with the Colorado Attorney General's opinion of August 31, 1983, which stated, in part, ". . .one who floats upon the waters of a river or stream over or through private property, without touching the stream banks or beds, does not commit a criminal trespass. . ."

### APPLICATION DEADLINES

Check with your local BLM field office for permit applications dates and availability for all rivers (except the Arkansas River).

River permit applications should be filed as follows:

- Arkansas River from Granite to Pueblo: Arkansas Headwaters Recreation Area (See above address).
- Dolores River from Bradfield Bridge to Bedrock: Mancos/Dolores Field Office. **(Not accepting new outfitters)**
- Dolores River from Bedrock to Roc Creek: Uncompahgre Field Office.
- Dolores River from Roc Creek to Stateline: Grand Junction Field Office.
- Dolores River from Stateline to Colorado River: Moab Field Office, Utah.
- Eagle River from Edwards to Dotsero: Glenwood Springs Field Office. **(Not accepting new outfitters)**
- Gunnison River from Delta to Grand Junction: Grand Junction and Uncompahgre Field Office.
- Gunnison River Gorge from below Black Canyon of the Gunnison National Park to North Fork of the Gunnison: Gunnison Gorge National Conservation Area. **(Not accepting new outfitters)**
- Gunnison River from North Fork Confluence to Austin: Uncompahgre Field Office. **(Not accepting new outfitters)**
- Lake Fork of the Gunnison River from Lake City to Blue Mesa Reservoir: Gunnison Field Office. **(Not accepting new outfitters for the 2007 season)**
- Rio Grande River from La Sauces Bridge to state line: Saguache Field Office.
- Ruby Canyon segment of the Colorado River from Loma to the state line: Grand Junction Field Office. **(Not accepting new outfitters)**
- San Miguel River from Deep Creek to Dolores River Confluence: Uncompahgre Field Office. **(Not accepting new outfitters from Deep Creek to Pinon)**
- Upper Colorado River from Pumphouse to Dotsero: Kremmling and Glenwood Springs Field Office. **(Not accepting new outfitters)**
- Yampa River from Craig to Dinosaur National Monument: Little Snake Field Office.

(See Field Office Addresses on page 7.)

Commercial use permits for the Arkansas River are now being issued by the Colorado Division of Parks and Outdoor Recreation (DPOR). For deadlines and other information on Arkansas River permits, contact:

Arkansas Headwaters Recreation Area; 307 W. Sackett; Salida, Colorado 81201. (719) 539-7289

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## Chapter III: Stipulations

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## **TERMS, CONDITIONS AND STIPULATIONS FOR ALL PERMITTED ACTIVITIES**

**Stipulations:** The following standard stipulations are automatically included and apply to all permits (some additional stipulations are specific to only certain activities). Failure to comply with these stipulations may result in remedial actions listed below under Performance Evaluation, Section XVIII. B. Per 2932.40, violations of permit terms or stipulations may be subject to fines and imprisonment, in addition to administrative penalties.

**APPLICANT NAME** \_\_\_\_\_

### **I. RISKS, HAZARDS AND SAFETY**

- A. Hazards related to climate, topography and terrain, waters, vegetation and wildlife, and man-made features are found on public lands and present risks which the permittee assumes. The permittee shall be responsible for inspecting sites, trails, roads, rivers and other authorized use areas for dangers and hazardous conditions, ensuring awareness by employees and clients of such risks and hazards, and promoting safe practices at all times.
- B. Adequate first aid and safety equipment shall be provided while performing the permitted activities.
- C. All guides and employees responsible for clients in the field shall be trained in First Aid and hold a valid certification of training from the American Red Cross or its equivalent.
- D. In case of human death, or wildfire, involving the permitted operation, the County Sheriff shall be notified immediately, and the BLM shall be notified immediately after the Sheriff is notified.
- E. The permittee shall notify the BLM of any accidents involving the permitted operation which result in loss of consciousness, injury disabling individuals in excess of 24 hours, requiring medical treatment or search and rescue, and/or property damage in excess of \$100, and shall submit a detailed written report to the BLM within 10 days from the date of the accident. Other accidents shall be reported in the Post Use Report.

### **II. INDEMNIFICATION**

- A. The permittee shall indemnify, defend, and hold harmless the United States and/or its agencies and representatives from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the authorized use and occupancy of the lands authorized for use under this permit.
- B. Insurance: Coverage shall be obtained for the permitted operations in the minimum liability coverage amounts of:
  - (1) \$ 300,000 for persons, bodily injury or death for any one occurrence;
  - (2) \$ 600,000 annual aggregate and;
  - (3) \$ 30,000 property damage for any one occurrence.
- C. An insurance certificate shall be submitted, stating the limits of coverage, identifying the United States Government as additional insured, that includes the minimum shown above, expiration date, that the insurer will give BLM thirty (30) days notice prior to cancellation, or modification of such insurance, and a list of the activities that are permitted and insured.

### **III. APPLICABLE LAWS AND REGULATIONS**

- A. This Permit is subject to all applicable provisions of the regulations (43 CFR Group 2930 and 8300) which are made a part hereof.
- B. The permittee shall observe all applicable Federal, State, and local laws and regulations while performing any authorized activity, including but not limited to: (1) operation, use and registration of motor vehicles, OHVs, aircraft, and boats; (2) hunting and fishing; (3) use of firearms; (4) injury to persons or destruction of property; (5) noise, air and water pollution; (6) littering; (7) drinking water and sanitation; (8) food service; (9) use of fire; and (10) business practices.
- C. Permits involving the taking of game, including fish, shall be valid only when accompanied by a valid State Outfitters Registration. Permits involving river floating or guiding shall be valid only when accompanied by a valid State River Outfitters License.
- D. All hunters shall comply with the Colorado Division of Wildlife hunter safety requirements.
- E. Permittee shall comply with restrictions while operating in a Wilderness or Wilderness Study Area (WSA) as prescribed in 43 CFR 8500. Maps and information on the Wilderness or WSA boundaries and restrictions are available at the Field Office.
- F. Permittee shall comply with Off-Highway Vehicle (OHV) designations and restrictions in the area of operation as identified in the Resource Management Plan and prescribed in 43 CFR 8340.
- G. Permittee shall obtain a Colorado State Child Care License if working with minors.

#### **IV. LIMITATIONS**

- A. This permit authorizes only temporary use in connection with the operations, during the period(s) and in the area(s) identified in the permit and authorized by an Annual Operating Authorization.
- B. If an existing commercial permittee wishes to sell or otherwise terminate his or her business and desires that permit privileges be transferred to a new owner, the permittee must notify the authorized officer in advance, in writing, and receive advance written approval for the permit transfer from the authorized officer.
- C. Use of Non-Public lands: This permit does not authorize use of non-BLM land (i.e. private, city, county, state, or other federal land).
- D. The applicant shall provide upon request the name(s) and address(s) of private landowners whose property is used in connection with the permitted operations, and evidence of permission to use such land.
- E. Access to Public Lands: The BLM does not guarantee legal access to public lands unless legal access for the general public is available. Where legal public access is not available, the permittee is responsible for obtaining permission from the landowner(s) to travel through or use private lands.
- F. Multi-Year Permits: A multi-year permit is not valid unless accompanied by a current Annual Operating Authorization.
- G. Joint Permit Requirement: This permit authorizes use of public lands in this Field Office; use of public lands in other Field Offices or National Forest lands must be approved under a separate or joint permit. Code of Federal Regulation citations for both the BLM and Forest

Service are valid and will be enforced for joint permits on associated public lands.

- H. If a lion outfitter does not own their own dogs, they must furnish copies of all lease or rental arrangements for the dogs that they plan on using.

## **V. ASSIGNMENT AND SUBLETTING OF PERMIT PRIVILEGES**

- A. The permittee may not assign permit privileges to a third party. For purposes of this permit, an assignment of permit privileges is indicated if one or more of the following occur:
  - 1) A third party advertisement used to book a trip does not clearly indicate that the trip will be operated by the company holding the permit;
  - 2) A third party provides both passenger transportation to the trip departure point and equipment used on the trip;
  - 3) More than two (2) representatives or employees of the third party act as guides/crew on the trip. Representatives' employees must constitute less than 50 percent of the guides/crew on trip;
  - 4) A trip is represented to the participants as being conducted by other than the permittee.
  - 5) Equipment or guide clothing carries a name, markings or logo of the third party involved with the trip (this does not apply to booking agents who are permitted outfitters in the permit area). See B. below for the use of equipment not marked with the permittee name or approved abbreviation;
  - 6) The passengers or guides/crew are not covered by the insurance carried by the permittee.

B. Guides and employees must fall under federal and state employment regulations and be listed in the operating plan prior to each operating season. (ie. IRS Form-1099, independent contractor form).

C. If you are proposing to employ guides or employees who are licensed and/or permitted outfitters elsewhere, that must be disclosed at the time you submit their name and information.

D. Written notice must be given to the BLM to use equipment with outfitter markings (company names, logos, etc.) other than those of the permit holder prior to the time of use (hunt, launch, tour, etc.). If the markings are those of an outfitter not permitted to operate in that area, the markings of equipment used must not be visible while on the BLM-administered lands and waters.

## **VI. NON-EXCLUSIVE USE**

- A. The permittee, employees and clients shall not interfere with other valid uses of public land, including but not limited to grazing, mining, and other recreational uses by the general public or other permitted commercial operations.
- B. Roads, trails and trailheads, or campsites commonly in public use shall not be blocked or enclosed by the permittee.
- C. This SRP does not guarantee the permittee's sole use of public land areas, nor does it grant the exclusive use of any area.
- D. Public lands will generally remain available on a first-come, first served basis to other commercial and private recreational users. Nothing herein implies that the first permittee in any area has been granted exclusive use, or priority use.

## **VII. CONDUCT AND MANNERS**

- A. The permittee is at all times responsible for the actions of himself, his employees, clients and guests in connection with the authorized operations, and shall not cause a public disturbance

or engage in activities which create a hazard or nuisance.

- B. The permittee should practice the TREAD LIGHTLY and LEAVE NO TRACE land ethics and inform their clients about these practices and ensure that they follow them.

## **VIII. MODIFICATION OR AMENDMENT**

- A. The BLM reserves the right to alter the terms, conditions, and stipulations of this permit at any time upon notice for reasons such as changes in law, policy or administrative procedure, to prevent use conflicts, to protect public safety, or to prevent resource damage.
- B. The permittee shall request amendment or modification of the permit to provide for changes prior to issuance of annual operating authorization in: use areas or sites, season of use, services provided, fee structure, or any other changes in operations.
- C. The BLM may restrict use or close sites or areas on public land, or require relocation of use sites or areas to prevent use conflicts, protect public safety, or prevent resource damage.

## **IX. PAYMENTS**

- A. Use Fee Payments: Permit fees are due and payable in advance based on estimated use gross receipts. Payments shall be sent to the Field Office by check, money order or cashier's check, made payable to the "Bureau of Land Management".
- B. Basis for Fee: The annual permit fee shall be three percent (3 %) of total client charges or \$90.00 annual minimum for commercial permits, or \$4.00 per person per day for events whichever is greater. Gross receipts shall be the sum of all payments made by clients for services rendered in connection with the permitted operations, before disbursement to private landowner for use of private land, payment to employees, and any other disbursement.
- C. Periodic Payments: At the Field Manager's discretion, when the estimated use fee is greater than one thousand dollars (\$1,000), a schedule for periodic payments may be arranged.
- D. End of Season Payment: The actual use fee shall be determined from the use reports. Payment should accompany the post-use reports and trip logs due 30 days after the last day of use or as specified on SRP.
- E. Refunds:
  - 1. No refunds of less than ten dollars (\$10.00) will be made.
  - 2. Unless requested in writing all overpayments will be credited for use for the following operating season.
- F. Late Payments
  - i. Late payment of fees may result in additional fee penalties, permit probation, suspension, and/or revocation, and interest and administrative handling charges.
- G. Deductions
  - A. Allowable deductions in permit fees shall be agreed upon in advance, and may include costs related to the permitted operations incurred by the permittee for long distance off-site transportation, and off-site lodging, per Handbook H-2930-1.
- H. Discounts for Non-Public Lands use (For Upland Use Only) must be requested and approved prior to use. No discounts are allowed for river related permits

## **X. USE REPORTS**

- A. Trip Logs: Trip Logs shall be submitted within 30 days of the authorized use season or as specified on the permit, on a form provided by the BLM, or an approved equivalent. Trip

logs shall indicate accurately the dates of use, location, type of use, number of clients, number of staff, vehicles and livestock used, total receipts, and any deductions claimed. Penalty fees may be charged for late reports.

- B. Post Use Report: A Post Use Report shall be submitted as specified or within 30 days of the last day of use authorized or as specified on permit, on a form provided by the BLM, or an approved equivalent. The post use report shall indicate accurately the total number of clients served during the term of the permit, total staff and total use, total receipts and total deductions claimed, discounts for time off public lands, and describe any accidents or injuries occurred, and management problems or concerns. Penalty fees will be charged for late reports.
- C. Late Use Reports: **Late submission of use reports may be cause for action against the permittee,** including late fees, probation, suspension, and/or revocation, and criminal penalties.
- D. Non-Use: Zero use must be requested in writing prior to the issuance of Annual Operating Authorization. Minimum payments still apply. The authorized officer may cancel a permit after two consecutive seasons of unapproved non-use. In certain areas covered by Special Recreation Management Plans, travel management plans, or other site-specific plans, special provisions regarding non-use of permits may apply.

## **XI. INSPECTION OF RECORDS AND PREMISES**

- A. The BLM, or duly authorized representative, may examine upon request any of the records, including but not limited to bookings, client registers, financial records, leases or contractual agreements, licenses, or other documents related to the permitted operations, as outlined in 43 CFR 2932.55.
- B. The BLM and its cooperators, including the Colorado Division of Wildlife, USDA Forest Service, and the Colorado Division of Parks and Outdoor Recreation, shall at all times have the right to enter the premises located on public land on official business. The permittee shall allow reasonable access to private lands owned or utilized in the permitted operation for purposes related to administration of the permit.
- C. The permittee and all employees shall post a copy of the Permit, Annual Operating Authorization in plain view at the base of operations and camps, where clients, BLM and Division of Wildlife officers have the opportunity to read it. All guides and employees must carry a copy of the Permit and Annual Operating Authorization while conducting operations on public lands, and they must be familiar with the Permit terms, conditions and stipulations that pertain to this permit.

## **XII. SIGNING AND ADVERTISING**

- A. Signs or advertising devices on public land require advance approval on the location, design, size, shape or color, and message.
- B. All advertising shall be accurate and not misrepresent in any way the services or accommodations provided, or the area authorized for use. Brochures and other advertising materials shall include the following disclosure: All or part of this operation is conducted on Public Lands under special permit from the U.S. Bureau of Land Management.

## **XIII. CAMPSITES**

- A. Camps may be set up for no longer than necessary, and no earlier than 5 days prior to the first day of use authorized and must be removed within five days after the authorized use period. No year-round, permanent camps may be established on BLM lands; only temporary facilities are permitted.

- B. Camps shall be located to avoid conflict with public road and trail traffic, and stream or lake access, and to the extent possible shall be located out of sight of major trails.
- C. All campsites and temporary improvements shall be as described in the approved operating plan.
- D. All campsite facilities including but not limited to tents, latrines, livestock control facilities, shall be located at least 200 feet from the nearest spring, stream, lake, pond or reservoir unless specifically authorized otherwise.
- E. All campsites must be approved prior to use. Clearances may be required, such as inventories for cultural resources and/or for threatened or endangered species.

#### **XIV. CAMPFIRES**

- A. Unless permanent fire rings are designated, open campfires shall be built only in areas free of hazardous fuels. Fire rings or pits shall be set on bare mineral soil. After use, fire rings or pits shall be obliterated and the site rehabilitated. Open fires may be prohibited during periods of extremely high fire hazard by order of the BLM, the applicable county or the State of Colorado.
- B. Campfires shall be completely extinguished when left unattended. The permittee is responsible for all fires started by him/her self, employees, or clients, and may be held responsible for fire suppression costs resulting from wildfire caused by his/her operations.
- C. An axe, shovel, water bucket or extinguisher for fire control shall be available at each campfire.
- D. Wildfire caused by the permitted operation shall be reported immediately to the nearest BLM office. The permittee is responsible for informing employees, clients, and participants of the current fire danger and required restrictions or precautions that may be in effect.

#### **XV. LIVESTOCK USE**

- A. Authorized pasture use of livestock is temporary and limited to transportation purposes, and will not establish a priority for future use of the range. Rangeland grazing may be restricted and feed may be required to be packed, all feed supplied as part of permitted operations must be **certified weed free**. The permittee shall prevent localized over grazing and damage to vegetation by permitted livestock.
- B. Construction of permanent fences or corrals is not permitted. Temporary livestock control structures may be erected with advanced approval, including corrals and hitching racks, provided they are dismantled after the use season.
- C. The permittee may be required to pay additional fees for forage consumed by livestock during the permitted operations. This fee will be at the current rate for grazing use.
- D. Livestock shall not be tied to trees for other than short term, temporary stops. Hobbles, pickets, high lines or corrals shall be used to control livestock.
- E. Livestock control structures (corrals, hitching racks, pickets, high lines) must be at least 200 feet from springs, streams, lakes, reservoirs or other water sources. Whatever method of livestock control is used, it will not result in removal or death of the under story vegetation.
- F. Pack stock may be grazed if permitted by the SRP. If electric fences are used, they will be moved every 3 days to a new area. If picket ropes are used, they will be moved every other day to a new area. If high lines are used, their location must be approved in advance.

## **XVI. EQUIPMENT CACHES**

Food and/or equipment caches require advance authorization. When authorized, caches shall be neatly stored out of sight of roads and trails. Food caches must be “wildlife proof.”

## **XVII. RESOURCE PROTECTION**

- A. Aesthetics: Permittee shall protect the scenic and aesthetic values of the public lands used in the operations, and maintain premises on permitted areas to acceptable standards of repair, orderliness, and cleanliness.
- B. Rehabilitation: After camps and other temporary facilities are dismantled, insofar as practical, the area shall be left in a natural state. Reseeding with BLM approved seed mix may be required of any areas disturbed by campsites.
- C. Sanitation: Self contained or pit type toilets/privies, with or without tent coverings, shall be used at all campsites on public land. The permittee will be responsible for establishing a latrine for all permitted camps and for final rehab when the camp is removed. Waste from self contained toilets must be disposed of at a State approved sewage disposal facility. When abandoned, toilet pits shall be covered with a minimum of 12 inches of topsoil and back filled to pre-existing grade. While in use, human waste in pits shall be covered with a layer of topsoil or lime after each individual use.
- D. Trash Disposal: Camps and other permitted areas shall be regularly cleaned and no trash or litter shall be allowed to accumulate. Combustible trash may be burned when campfires are authorized. All non-combustible trash, including but not limited to tin cans, spent brass, glass bottles, foil, and wire shall be packed out. Trash shall not be buried on public land.
- E. Dead animals and their remains shall be disposed of at least 200 feet away from springs, streams, lakes, ponds, campsites, roads/trails.
- F. Waste or by-products of any kind shall not be discharged into any stream, reservoir, lake or pond.
- G. Soils: Permittee shall conduct the permitted operations in a manner which prevents rutting, or soil erosion.
- H. Vegetation Damage/Removal: All operations shall be conducted in a manner which prevents damage to or loss of vegetation cover. Poles may be cut for temporary facilities if these are authorized by permit on public land. Cutting, clearing or defacing of standing trees, alive or dead, or clearing and cutting of shrub/groundcover for any other reason shall require specific advance authorization. When tree cutting is authorized, stumps shall be left no higher than 6 inches above ground level and slash shall be lopped and scattered. A separate permit is required for removal and transportation of woodland/tree products from public land.
- I. Firewood Cutting: Firewood may be cut on public land only for campsite use while on public land, and may not be transported off the public lands without a separate firewood cutting permit. Only dead and down trees shall be cut for firewood, with stumps left no higher than 6 inches above ground level, and the slash shall be lopped and scattered.
- J. Protection of Public Property: Signs, equipment, markers, fences, livestock watering facilities or any other property found on public land shall not be damaged, destroyed, defaced, removed, or disturbed.
- K. Cultural Resources: All persons associated with operations under this permit must be informed that any objects or sites of cultural, paleontological, and scientific interest, such as historic or prehistoric resources, graves or grave markers, human remains, ruins, cabins, rock art, fossils, or artifacts shall not be damaged, destroyed, removed or disturbed. If in

connection with operations under this permit any of the above resources are discovered, the permittee shall immediately stop operations in the immediate area of the discovery, protect such resources, and notify the BLM authorized officer of the discovery. The immediate area of the discovery must be protected until the operator is notified in writing to proceed by the authorized officer.

- L. Wilderness and Wilderness Study Areas (WSA): Use of electric generators, all motorized and mechanized equipment including chainsaws and vehicles is prohibited within a Wilderness or WSA. If supplemental livestock feed is used, cubed, pelletized, or processed feed or **certified weed free hay** shall be used.
- M. Permittee is responsible for knowing where Public Land, Wilderness, and WSA boundaries are and the restrictions that may apply to an area of operation within these boundaries. Maps and information concerning restrictions are available at the local Field Office.
- N. Facility Construction: Construction of permanent facilities or improvements of any kind, including but not limited to roads, trails or structures, is not approved by this permit and shall require separate written authorization.

## **XVIII. PERFORMANCE EVALUATION**

- A. The BLM shall conduct periodic inspections and performance evaluations of the permittee's operations and compliance with the terms, conditions and stipulations of the Permit.
- B. Violations and Penalties: Any violation of the permit terms, conditions and stipulations may be subject to penalties prescribed in 43 CFR 2932.40, which may include fines up to \$1,000 and/or imprisonment up to 12 months. Additionally, any such violation may result in permit termination, suspension, or probation. Violations may also be cause for the BLM to deny approval of a Special Recreation Permit or Operating Authorization for subsequent years. If a permit is terminated, permit applications will not be approved for any person connected to or affiliated with the operation under a terminated or suspended permit.

**Acceptable** means that the permittee has generally operated in accordance with the terms and conditions established for the permit

**Probationary** means that the permittee has not operated in full accordance with the terms and conditions of the permit. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Permittee will only qualify for a 1 year permit. If this performance level is received 2 years in a row, the authorized officer may suspend or terminate the permit and/or deny future permit applications.

**Unacceptable** means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. This performance level will result in suspension or termination of permit privileges as appropriate to the circumstances.

- C. Permit holders will be notified with a certified letter of any deficiencies in pre-season, permitted activities, or post-use requirements. If the requirement is not met within 15 days after receipt of certified letter, a penalty of \$100 will be assessed. After 30 days of the receipt of the letter, the penalty is \$200. If at the end of the 30 day period after receipt of certified letter, the deficiency is still not corrected and penalty fee not paid, the permit will be temporarily suspended, in whole or in part without compensation, for any failure to comply with the terms, conditions and stipulations. Operations on public land shall cease immediately upon suspension. After a permit is suspended, any commercial use of public lands shall be in violation of federal regulations. The BLM may reinstate the permit for use, after corrective action is taken by the permittee and the operation is in compliance with the terms, conditions and stipulations. Probationary status will follow for one year after the deficiency is corrected. Repeated permit violations may also result in suspension and/or



termination.

## **XVIII. CERTIFICATION**

I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Date \_\_\_\_\_ Signature \_\_\_\_\_  
Print Name \_\_\_\_\_  
Company Name \_\_\_\_\_

**ADDITIONAL STANDARD STIPULATIONS FOR  
COMPETITIVE AND OFF-HIGHWAY VEHICLE EVENTS**  
*FOR ALL PERMITS*

1. Permittee is responsible for ensuring that participants do not drive off designated use areas and/or course routes; participant and spectator use will be restricted from sensitive areas.
2. Permittee is responsible for crowd control, ensuring that the event is orderly, does not endanger bystanders or participants, and is conducted in a peaceable manner to enhance recreation satisfaction and promote the public well being.
3. Permittee agrees to reroute and/or relocate use areas to avoid sensitive areas identified by BLM before or during the event.
4. All range fence gates opened for the race will be monitored during the race to prevent passage by livestock and closed immediately at the end of the race.
5. Permittee will take all reasonable measures to ensure that entrants, spectators and casual users attracted by the event will not harass wildlife or livestock in the vicinity, including publication of notices discouraging such use in the local news media.
6. Permittee will take all reasonable measures to inform other recreationists in the area of the event and associated temporary road restrictions, including publication of notices to this effect in the local news media.
7. Permittee will mark sensitive areas identified by BLM, routes, staging areas, parking, and pit areas with non-defacing markers and appropriate signs and will ensure that all such materials are immediately removed upon completion of the event.
8. During the event, permittee will provide on-the-ground staff monitoring to ensure that use occurring is confined to areas actually authorized by permit.
9. Permittee is responsible for ensuring that all authorized motorized use conforms to the Conditions of Use set forth in 43 CFR Subpart 8341.1, regulations governing use.
10. Nothing in this permit will be construed as a license for the permittee, employees, or clients to use areas of the public lands which are otherwise restricted or closed (e.g., restricted or closed off-highway vehicle designation areas).
11. Permittee is responsible for ensuring the safety of all spectator, entrant, concessionaire, and/or support personnel, ensuring that all permit actions are in conformance with local, state, and federal health and safety standards.
12. Permittee is responsible for furnishing self-contained chemical sanitation facilities and trash receptacles at locations as necessary, to keep these serviced neat and clean during the event, and to provide for off-site disposal of all refuse and human waste generated from the event, in accordance with all applicable local, state, and federal ordinances, laws, and regulations.
13. State and local laws and ordinances apply to all BLM-administered public land. This includes, but is not limited to, laws and ordinances governing (a) operation and use of motor vehicles, aircraft, and boats; (b) hunting and fishing; (c) use of firearms; (d) injury to persons or destruction of property; (e) air and water pollution; (f) littering; (g) sanitation; and (h) use of fire.
14. Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities by the permittee or his/her concessionaires shall comply with the standards of the local department of health and the United States Public Health Service.
15. Permittee will provide first-aid/EMT services adequate to meet emergency needs arising from the event, including CPR and medic-vac transportation for hospital care.
16. The Field Manager reserves the right to postpone or cancel the event if environmental conditions develop in which the event would subject the land to substantial resource damage or the public to unacceptable risk—factors such as heavy rains, flooding, early thawing, etc.
17. Permittee shall protect the scenic aesthetic

values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation. When facilities for the event are dismantled, the area should be left in a natural state.

18. At the conclusion of the event, the area will be inspected and all trash or debris resulting from the event will be removed by the permittee.

19. Permittee will restore any resource damage from the event as specified by the Field Manager.

20. Permittee assumes responsibility for coordinating the event with all adjacent landowners and securing access needed across privately owned lands, ensuring that trespass does not occur.

21. Proof of insurance shall be provided at least one week prior to the event. Insurance shall be consistent with requirements stated in the Colorado BLM Special Recreation Permit information booklet or as amended by the Field Manager.

22. All officials will receive a copy of applicable stipulations prior to competitive event(s).

23. Permittee, entrants, and/or spectators will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses.

24. BLM reserves the right to revoke a permit for reasons such as, but not limited to, noncompliance with stipulations (before and/or during the event), failure to provide services

specified in the operating plan, or untimely permit reporting.

25. Permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to BLM upon request (as outlined in 43 CFR Subpart 2932.55) for analysis by qualified representatives of BLM and other Federal agencies authorized to review BLM's permitting activities.

26. Permittee shall post a copy of the authorizing permit in plain view where all clients and BLM, DPOR, and DOW employees have the opportunity to read it.

27. Permittee will notify BLM of any accidents occurring on the public lands which result in loss of life immediately, Accidents that result in loss of consciousness, disabling individuals in excess of 24 hours, requiring medical treatment, or property damage in excess of \$100, and will submit a detailed written report to BLM within 10 days from the date of the accident.

**Certification:** I have read these terms, conditions and stipulations and understand that I must abide by them while performing activities in connection with the permitted operations.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

**U.S. Department of the Interior  
Bureau of Land Management**

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Colorado State Office  
2850 Youngfield Street  
Lakewood, CO 80215

UNITED STATES

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**SPECIAL RECREATION APPLICATION AND PERMIT**

FORM APPROVED  
OMB NO. 1004-0119  
Expires: June 30, 2007

Permit No.

(43 U.S.C 1201; 43 U.S.C. 1701; 16 U.S.C. 460 L-6(a); and 43 CFR Group 2930)

Instructions: Complete Items 1 through 18, and return to appropriate BLM Office. *(Use additional sheets, if necessary.)*

**Type or Print Plainly in Ink**

*WHEN SIGNED BY AUTHORIZED BLM OFFICIAL, THIS PERMIT AUTHORIZES*

1. ☐ New Application ☐ Renewal of Existing Permit      2. Name of Business or Organization

3. Your Name

4. E-mail address *(optional)*

5. Social Security Number or Taxpayer Identification Number

6. Address *(include zip code)*

7. Phone No. *(include area code)*

9. Fax No. *(include area code)*

9. Applicant is: ☐ Sole Proprietor ☐ Partnership ☐ Corporation ☐ Individual

*(If corporation, attach copy of Articles of Incorporation and Certificate unless already on file.)*

10. Name(s) and phone number(s) *(include area code(s))* of person(s) authorized to conduct business with BLM concerning the permit.

11. Application is for *(check all that apply)* : ☐ Commercial ☐ Competitive Event ☐ Organized Groups ☐ Vending ☐ Individual

12. To use the following public lands/related waters *(provide name, legal description and/or attach map)*.

13. For the following purpose *(provide full description of activity or event including number of anticipated participants and spectators)*.

14. Dates of proposed use: Beginning Date:

Ending Date:

OR Leave the above dates blank if applying for renewal of multi-year permit.

15. Describe facilities including water and sanitation facilities you intend to provide, attach operations plans, location maps, and insurance certificate prepayment. *(Include your name on each document.)*

16. Attach the following documents: Operations Plan, Maps, Certificate of Insurance, Prepayment of Fees, and other documents requested by BLM. *(Include your name on each document):*

17. Do you have a permit with BLM/USFS? ☐ Yes ☐ No If so, where?

17a. Have you had a permit previously? ☐ Yes ☐ No If so, where?

17b. Have you ever been denied or had a permit revoked? ☐ Yes ☐ No If so, where?

17c. Have you forfeited a bond or other security? ☐ Yes ☐ No If so, where?

17d. Are there any pending investigations against you? ☐ Yes ☐ No If so, where?

17e. Have you been convicted of violations regarding natural resources, cultural resources or any activity related to your proposed permit?  
☐ Yes ☐ No If so, where?

**APPLICATION REQUIREMENTS**  
*(The conditions and stipulations required by  
the Bureau of Land Management (BLM) are checked below)*

The following must be submitted before an application is approved and a permit issued. This information must be submitted within days after the date of application:

- Li a.** A topographic map, showing area of proposed use with routes, parking, staging areas, proposed improvements, and other points of intensive use specifically identified. U.S. Geological Survey (USGS) topographic quadrangle maps are available from USGS offices and from numerous private concerns. *Planning unit maps* are also available at most BLM District Offices to help determine land ownership patterns.
- Li b.** Applicant must inform other pertinent private landowners and/or public agencies (*law enforcement, highway, fish and game, etc.*). Bureau of Land Management will contact other authorized users of public lands, etc.

- Li c.** A certificate from an insurer that comprehensive insurance has been obtained for this use or event in the amount specified by the BLM. The certificate must name the U.S. Government as additional insured, and give the BLM 30 days notice of cancellation or modification of such insurance.
- Li d.** An acceptable bond, surety, cash deposit, or other acceptable guarantee of payment in amount of \$ \_\_\_\_\_ to secure payment of the special recreation use fee and/or mitigation of damages.

**PERMITS SUBJECT TO THE FOLLOWING CONDITIONS:**  
*(The conditions and stipulations required by  
the BLM are checked below.)*

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li><b>Li 1.</b> This permit is issued for the period specified. It is revocable for any breach of conditions or at the discretion of the Bureau of Land Management, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.</li><li><b>Li 2.</b> This permit is subject to all applicable provisions of the regulations (43 CFR Group 2930).</li><li><b>Li 3.</b> This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.</li><li><b>Li 4.</b> This permit may not be reassigned or transferred by permittee.</li><li><b>Li 5.</b> Permittee must pay the sum of estimated user fees in advance of permit issuance. Adjustments to use fee charges will be based on actual use reported on the Post Use Report.</li><li><b>Li 6.</b> Permittee must observe all Federal, State, and local laws and regulations applicable to the premises; to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and animals, and must keep the premises in a neat, orderly manner, and sanitary condition.</li><li><b>Li 7.</b> Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires, and to prevent polluting of waters on or in vicinity of the public lands.</li><li><b>Li 8.</b> Permittee must not enclose roads or trails commonly in public use.</li></ul> | <ul style="list-style-type: none"><li><b>Li 9.</b> Permittee must pay the United States for any damage to its property resulting from this use.</li><li><b>Li 10.</b> Permittee must notify the BLM of address change immediately.</li><li><b>Li 11.</b> Permittee must not cut any timber on the public lands without prior written permission from the BLM.</li><li><b>Li 12.</b> Permittee must indemnify, defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, or liabilities of every nature whatsoever, including, but not limited to, damages to property, injuries to or death of persons, arising directly or indirectly from, or in any way connected with the permittee's use and occupancy of the public lands described in this permit or with the event authorized under this permit.</li><li><b>Li 13.</b> Authorized representatives of the Department of the Interior, other Federal agencies, and game wardens must at all times, have the right to enter the premises on official business.</li><li><b>Li 14.</b> Permittee must abide by all special stipulations attached.</li><li><b>Li 15.</b> Permittee must not disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts.</li><li><b>Li 16.</b> Permittee must leave in place any hidden cultural values uncovered through authorized operations.</li></ul> |
|---|--|

**NOTICES**

The Privacy Act of 1974 and the language at 43 CFR 2.48(d) provide that you be furnished the following information.

**AUTHORITY:** 43 U.S.C. 1201; 43 CFR Group 2930.

**PRINCIPAL PURPOSE:** BLM will use the information you provide to determine whether or not to issue you a Special Recreation Permit. BLM will use some of the information will determine your qualifications for the permit and the other information to determine the merits of your proposal.

**ROUTINE USES:** BLM will disclose the information according to the release information contained in the regulations at 43 CFR 2.56(d).

**EFFECT OF NOT PROVIDING INFORMATION:** Disclosing the information is necessary to receive a benefit. Not disclosing the information may result in BLM's rejecting your application.

The Paperwork Reduction Act of 1995 requires us to inform you that:

BLM will use the information to determine whether or not to issue you a Special Recreation Permit.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

**BURDEN HOURS STATEMENT**

Public reporting burden for this form is estimated to average 30 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management, (1004-0119), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, NW, Mail Stop 401 LS, Washington, D.C. 20240.

18. Certification of Information: I CERTIFY the information in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith. I acknowledge that I (we) am (are) required to comply with any conditions or stipulations that are required by the BLM when the permit is issued.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

**FOR BLM USE ONLY**

Special Recreation Permit No. \_\_\_\_\_ is: ☐ Commercial ☐ Competitive Event ☐ Organized Groups ☐ Vending ☐ Individual  
This application is hereby approved subject to the conditions and special stipulations on reverse and any attachments.

\_\_\_\_\_  
(Signature of BLM)

\_\_\_\_\_  
(Date)

PERMITTEE MUST HAVE THIS PERMIT (OR LEGIBLE COPY) IN POSSESSION DURING USE IN PERMITTED AREAS.

# OPERATING PLAN

for Commercial Outfitters  
and Competitive Permittees  
(Addendum to Form 8370-1)

This operating plan is what BLM uses to decide whether to issue you a permit. Once the permit is issued, this plan along with your compliance with permit stipulations will be evaluated at the end of the year/event.

**COMPANY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

Check all items that apply and fill in the blanks with details. If additional space is needed, attach supplemental pages. If a section does not apply, indicate with N/A.

**1. Company Information:** (Circle one) Individual Partnership Corporation

a. Owner/Partner(s) Names: \_\_\_\_\_

b. Phone number where messages are regularly picked up: \_\_\_\_\_  
email: \_\_\_\_\_

c. Other contact if you are unavailable (emergencies only): Name /Phone : \_\_\_\_\_

d. Do you use radio communications for operations or emergencies? Yes      No

e. If yes, what frequencies do you use?

f. Year company was established: \_\_\_\_\_ Years with current owner: \_\_\_\_\_

g. What services does your company offer that is unique for clients/visitors on public lands?

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**2. Estimate the amount and season of use expected this year.** This can be done by day, week, season, month, or type of activity. (Attach another sheet if needed.)

ACTIVITY	USE DATES BEGIN	USE DATE END	ESTIMATED NUMBER OF CLIENT DAYS	LOCATION



**3a. River Related Services and Competitive Events** (List # of craft owned and check all other services provided): If you are not providing services on rivers, please go on to #3b.

Boating: \_\_\_\_\_ Oar Rafts \_\_\_\_\_ Canoes \_\_\_\_\_  
 \_\_\_\_\_ Kayaks \_\_\_\_\_  
 \_\_\_\_\_ Inflatable Kayaks \_\_\_\_\_ Motorboats \_\_\_\_\_ Jet Skis \_\_\_\_\_  
 \_\_\_\_\_ Drift Boats \_\_\_\_\_ Paddle Boats \_\_\_\_\_ Other \_\_\_\_\_  
 \_\_\_\_\_ Fishing \_\_\_\_\_ Photography \_\_\_\_\_ Shuttle Service \_\_\_\_\_

\_\_\_\_\_ Instructional Classes (Describe): \_\_\_\_\_  
 \_\_\_\_\_ Services for People with Disabilities (Describe): \_\_\_\_\_  
 \_\_\_\_\_ Competitive Event (Describe): \_\_\_\_\_  
 \_\_\_\_\_ Other (Describe): \_\_\_\_\_

**b. Duration:** Day Use \_\_\_\_\_ Overnight Use \_\_\_\_\_

**c. Do you rent boats or other equipment?** Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, describe: \_\_\_\_\_

**d. Location where you propose to operate:**

RIVER NAME/SECTION	PUT-IN	TAKE-OUT	FREQUENT STOPS/CAMPS
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**4a. Upland Outfitting and Competitive Events** (Check all that apply): If you propose to provide one or more of the following services, please complete this section. If not, go to section 4 on page 3.

\_\_\_\_\_ Guide Service \_\_\_\_\_ Deer/Elk \_\_\_\_\_ Lion/Bear \_\_\_\_\_ Fishing \_\_\_\_\_ Other Game \_\_\_\_\_  
 \_\_\_\_\_ Packing Service (camps, game, etc.) \_\_\_\_\_ Horseback Trail Rides \_\_\_\_\_  
 \_\_\_\_\_ Mountain Bike Rides \_\_\_\_\_ Cross Country Skiing \_\_\_\_\_ Snowmobile Tours \_\_\_\_\_  
 \_\_\_\_\_ 4 Wheel Drive Tours \_\_\_\_\_ Horse and Pack Animal Rental/Delivery \_\_\_\_\_  
 \_\_\_\_\_ Services for People with Disabilities (Describe): \_\_\_\_\_  
 \_\_\_\_\_ Competitive Event (Describe): \_\_\_\_\_  
 \_\_\_\_\_ Other (Describe): \_\_\_\_\_

**b** \_\_\_\_\_ Day Use \_\_\_\_\_ Overnight Use \_\_\_\_\_

**c** \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

a	b	c

**d. Are you proposing to set up base camp or spike/drop camps?** Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please complete the following and describe facilities that you are providing for each:

(Camps and facilities are subject to BLM Area Manager's approval.)

Location/Facilities	Dates of use	BLM, USFS, or Private
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e. Are you requesting authorization to camp more than 14 days at one place? \_\_\_\_ Yes \_\_\_\_ No

Location: \_\_\_\_\_ to \_\_\_\_\_  
Location: \_\_\_\_\_ to \_\_\_\_\_

### 5. Pack and Riding Animals

Do you provide riding horses? \_\_\_\_ Yes \_\_\_\_ No Do you provide pack animals? Yes No

Type(s) available: (Write in #) \_\_\_\_\_ Horses \_\_\_\_\_ Mules Other

Describe how animals are fed, watered, and controlled when on the public lands (corrals, tethers, etc.):

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### 6 . T r a n s p o r t a t i o n List all vehicles

Year	Make	Model Type	Color	State/License Number

used - trucks, buses, vans, trailers, ATVS, snowmobiles, etc.:

### 7. Food/Beverages

a. Do you provide food? \_\_\_\_ Yes \_\_\_\_ No

Check if provided: Breakfast Lunch Dinner \_\_\_\_ Snacks

b. Cooking facilities (Check all that apply):

\_\_\_\_ Stove \_\_\_\_\_ Wood Fire  
\_\_\_\_ Charcoal Fire \_\_\_\_\_ Firepan

c. Do you provide potable water? \_\_\_\_ Yes \_\_\_\_ No If yes, check method used:

Bottled Water Filter Boiled Chemicals Other

### 8. Sanitation

Toilets (check): Pit Portable Chemical Carryout \_\_\_\_ Other:

If human waste is carried out, please describe: Solid Human Waste Removal :\_

Liquid Human Waste Practices: \_\_\_\_\_

### 9. Safety and Rescue Information

\_\_\_\_ Check safety and rescue equipment carried on each trip (Indicate # of item or check all the apply)

\_\_\_\_ First Aid Kits First Aid Station \_\_\_\_\_ Signaling Device  
\_\_\_\_ PFD's Fire Extinguisher Spare Motor

Throwable Rescue Device Other

\_\_\_\_  
**10. Persons that are authorized to represent your business:** (List the name, address and position of all employees, guides, part time, and contracted help): Attach another sheet if needed.

Name	Address	Position
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

List must be updated within 2 weeks of hiring or firing employees.

## 11. Background Information

List other permitted areas or rivers (Include agency and office location):

In the past two years, have you or any of your company representatives or employees been convicted of a federal, state, or local violation in connection with guide/outfitting operations or associated activities?      Yes      No

Have you had a BLM or USFS permit denied, suspended, or revoked?      \_\_\_\_ Yes      No

If yes to either question, explain:

I certify that the information given by me in this application is true, accurate, and complete to the best of my knowledge. I acknowledge that I (we) am (are) required to comply with requirements and stipulations on Form 8370-1 and any additional stipulations that are required by the authorized officer when the permit is issued. I further understand that the provision of false information, or the failure to keep this Operating Plan or other permit information updated, are grounds for probation, suspension, or revocation of the permit.

\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Date

## Upland Trip Log

Company \_\_\_\_\_ Reporting Period \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_

Page\_\_\_ of \_\_\_

**All activities conducted with clients must be logged on this sheet.**

[illegible]

**SPECIAL RECREATION PERMIT  
POST USE SUMMARY REPORT**

Permit Number \_\_\_\_\_ Permit Area \_\_\_\_\_  
Company Name \_\_\_\_\_ Reporting period \_\_\_\_\_ to \_\_\_\_\_

**1. Total User Days:**

To determine the total user days, add the user days indicated on the Trip Logs for all day trips and overnight trips.

- a) Clients, Total User Days .....
- b) Staff, Total User Days .....
- c) Total User Days ..... . \_\_\_\_\_

**2. Permit Fee Calculation**

- a) Total Receipts ..... \$ \_\_\_\_\_
- b) Permit Fee Rate (3%) .....  $\times 0.03$
- c) Actual Use Fee [Multiply Line 2b) x Line 2a), enter result here] ..... \$ \_\_\_\_\_
- d) Credit from Previous Payments ..... \$ (-) \_\_\_\_\_
- e) Subtract Credit from Actual Use Fee [Line 2c) – Line 2d] ..... \$ \_\_\_\_\_
- f) **BALANCE DUE**, If Line 2e) is MORE than zero, that is your permit fee balance due ... \$ \_\_\_\_\_  
*Please submit payment in full for the Balance Due with your post use report.*
- g) **CREDIT DUE**, If Line 2e) is LESS than zero, that is the amount you overpaid ..... \$ \_\_\_\_\_  
*Overpayment will be credited towards next year's permit fee unless a refund is requested in writing; A request for refund may be included with the Post Use Report in the space for comments below. If your actual use fee is less than the minimum annual fee of \$90, only the amount paid over \$90 will be credited.*

3. Please describe all accidents or injuries which occurred during the season (date, location, actions taken)

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4. Please describe any management problems associated with your permit, the use of public land or related issues you feel need management attention.

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4. Other Comments:

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Permittee's Signature \_\_\_\_\_ Date \_\_\_\_\_

Permittee's Name \_\_\_\_\_



IN REPLY REFER TO:

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

### **Special Recreation Permit ANNUAL OPERATING AUTHORIZATION**

Permission is granted to \_\_\_\_\_  
of \_\_\_\_\_ to begin commercial recreation use  
of public lands at or adjacent to \_\_\_\_\_ as  
described under permit number \_\_\_\_\_

All terms, conditions, and stipulations identified in the multi year permit also apply  
to this operating license.

Trip logs (when required - see permit stipulations) and an end-of-season post use  
report must be submitted as scheduled.

This authorization is issued for the period of \_\_\_\_\_ to \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Field Manager

# Visitor's Acknowledgement of Risk

## Example Only - you may submit your company's form

In consideration of the services of \_\_\_\_\_ their officers, agents, employees, and stockholders, and all other persons or entities associated with those businesses (hereinafter collectively referred to as " \_\_\_\_\_"), I agree as follows:

Although \_\_\_\_\_ has taken reasonable steps to provide you with appropriate equipment and skilled guides so you can enjoy an activity for which you may not be skilled, we wish to remind you this activity is not without risk. Certain risks cannot be eliminated without destroying the unique character of this activity. The same elements that contribute to the unique character of this activity can be causes of loss or damages to your equipment, of accidental injury, illness, or in extreme cases, permanent trauma or death. We do not want to frighten you or reduce your enthusiasm for this activity, but we do think it is important for you to know in advance what to expect and to be informed of the inherent risks. The following describes some, but not all, of those risks.

(description of risks)

I am aware that \_\_\_\_\_ entails risks of injury or death to myself. I understand the description of these risks is not complete and that other unknown or unanticipated risks may result in injury or death. I agree to assume responsibility for the risks identified herein and those risks not specifically identified. My participation in this activity is purely voluntary, no one is forcing me to participate, and I elect to participate in spite, of the risks.

I possess at least the following qualifications, which \_\_\_\_\_ I understand are prerequisites to participate in this activity.

a. \_\_\_\_\_ b. \_\_\_\_\_

I certify that I am fully capable of participating in this activity. Therefore, I assume full responsibility for myself, including my minor children, for bodily injury, death and loss of personal property and expenses thereof as a result of those inherent risks and dangers and of my negligence in participating in this activity.

I have read, understood and accepted the terms and conditions stated herein and acknowledge that this agreement shall be effective and binding upon myself, my heirs, assigns, personal representative and estate and for all members of my family, including any minors accompanying me.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Under 18, signature

parent of guardian: \_\_\_\_\_ Date: \_\_\_\_\_





## **Preface**

This paper is part of the "Outfitter Operations" program of the Professional Guide Institute. Outfitter Operations is one of five core areas of study for the Institute. Origins and Mission, Our Wildlands Heritage, Backcountry Leadership and Wildland Interpretation are the other areas of study.

The mission of the Professional Guide Institute is to identify, enhance and disseminate the natural interpretive and educational resources of the outfitting industry so that outfitters and guides can offer the highest quality experience to the public.

The goals of the Institute include 1) Natural resource protection, 2) Quality public service, and 3) Responsible, shared use of public lands.

You can learn more about the Professional Guide Institute by contacting:

**Richard Clark  
Executive Director  
The Professional Guide Institute  
Western Montana College  
Dillon, Montana  
(406) 683-7822**

or

**Grant Simonds  
Executive Director  
Idaho Outfitters and Guides Association  
P. O. Box 95  
Boise, Idaho 83701  
(208)342-1438**

For information on programs to improve your outfitting business, contact:

**David Brown  
Executive Director  
America Outdoors  
P. O. Box 10847  
Knoxville, TN 37939  
(423)558-3595**

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## **Introduction**

This course on outfitter operating plans is based upon my experience as an outfitter operating under a Forest Service special use permit in the Selway-Bitterroot Wilderness and the Frank Church - River of No Return Wilderness. Through several years as an outfitter industry activist, I have worked with other outfitters who operate under BLM, National Park Service and U.S. Fish & Wildlife permits. This experience has led me to believe that the single most effective tool an outfitter can use to build a positive, successful relationship with agency managers is the operating plan. Beyond the benefit of a good working relationship with the managing agency, the development of a good operating plan will improve your business and add value to your company in the eyes of your employees and customers.

I hope that this course will be of benefit to the new entrant into the outfitting industry. It should also help the outfitter who has had only limited involvement in developing a plan, to the outfitter who wants to upgrade an already good plan, and even to those who might pick up just an idea or two to add to an existing excellent plan. To all I would urge that you contact The Professional Guide Institute with suggestions to improve the course and to share your experiences in building a good plan.

I have tried to use examples in the course from both land and water based operations. The approach and the core elements of a good plan are common to operations that use either horses or boats to move clients.

My view of an operating plan began to change when Art Griffith, owner of Iron Horse Outfitters in Hamilton, Montana, stood up at an Idaho Outfitters and Guides meeting, waved his plan at the crowd and declared, "This is the best insurance policy I've ever had!" I've since worked with Art to share our ideas on plans through the "Operations Network" events at Idaho Outfitters and Guides meetings and similar sessions at Confluence – the annual meeting of America Outdoors.

I've also put into this course ideas I have picked up from Dick Clark, Grant Simonds and Scootch Pankonin from the outfitting industry. Dale Robertson, Steve Morton, Linda Merigliano, Monte Barker, Steve Mealey, Nora Rashure, Dennis Dailey and Lyle Laverty with the Forest Service. LuVerne Grussing and Gary Marsh with BLM have also shaped my thoughts. I thank you all for influencing my views of professionalism and partnership in the outfitter/agency relationship.



## **A Good Relationship?**

Several years ago, I was asked to speak to a group of wilderness rangers about the role of the outfitter and was standing for questions after my presentation. "Doug, what do you do about all the poor people who will never get a chance to float the Selway with you?" was the first question — delivered in a hostile tone.

My first inclination was to respond that it was not an outfitter's job to correct the socio-economic injustices in America. Further, I hadn't seen many urban poor piloting their own \$5,000 rowing rigs down the river under the self-guided side of the allocation. Instead, I told the group about the school bus mechanic from North Carolina who had saved for five years to take his once in a lifetime adventure on the Selway with us.

I felt pretty good about my response, but in the back of my mind it haunted me that perhaps this was an indication that at least some of the people responsible for managing the area where I work did not have a very good understanding of what I did. We always enjoyed visiting with the summer temps we encountered at the ranger station. We welcomed them and other agency representatives into our camps, sharing stories about the river. We watched and listened as our guests spoke of their appreciation of the job our agency friends and we as guides had chosen to pursue.

But I still had doubts. Maybe they didn't know about all we did to make a professional trip appear easy. Maybe they thought we were just lucky folks who showed up at the trail head or launch ramp, ready to take a fun filled trip with little effort. Maybe they thought we were just getting rich hauling rich fat cats through the backcountry.

## **Connections**

My five year permit was up for renewal. I was concerned that my relationship with the agency might not be what it could be. I worried that I was not getting the respect I thought I deserved for my experience and the job I was doing on the river. I had spent years traveling across the country promoting the National Recreation Strategy's call for partnership — yet my own relationship at the ground level might need help.

I remembered an Idaho Outfitters and Guides Association session where a packer, Art Griffith, had proclaimed the value of a good operating plan. Art and I shared the same District Ranger, Dennis Dailey. Dennis had a reputation for being tough. He was also a horseman and knew little about running a river. Art was a bit of a tough character himself, but what impressed me was his statement that Dennis would come into the field, look at his concerns first hand and worked out a solution. Dennis balanced his toughness with fairness and a willingness to hear your side. I decided to take my renewal as an opportunity to educate Dennis about a river outfit, and in the process, teach all his underlings, too.

I wanted to change their view of me and my guides —

**Instead of:** A Bunch of Lucky Guys Getting Rich Hauling Fat Cats into the Backcountry

- By: Adding to their understanding of what is involved in running a professional river operation,
- By: Adding value in their eyes of having a professional on the river,
- By: Setting their expectations of what I would be doing

I could change their view of me and my company —

**To:** A Valued Partner Helping Meet the Mission and Purpose of the Area.

## **Why Do You Need A Plan?**

If you operate under a special use permit, you are required by law and regulation to have an operating plan. The National Outfitter Policy, section 41.53j, states that each outfitter will have a plan that specifies -

- The modes of transportation authorized
- The amounts and class of use
- The number of launches and people per launch
- Camps used and people per camp or trip
- Description of proposed use of assigned sites

So by regulation, all I really needed was a plan that said, "Northwest River Company will float the Selway River in rafts, launching eight times a year with twelve guests and four guides using non-assigned, dispersed use camps." Actually, the plan I had been using for the past ten years was not much more than that — barely half a page!

That may be the requirements of a plan, but what about other goals?

## **Goals of a good operating plan:**

- 1) Meet legal and regulatory requirements,
- 2) Improve the chance of success for your business,
- 3) Add value to your business,
- 4) Lead to longevity through renewal of your permit.

**Success** - Failing to plan is planning to fail. If you do not take the time to write down in a structured manner how you plan to accomplish your business mission, you increase the likelihood that you will not. Successful outfitters are good at



thinking through the possibilities, assessing the risks, and determining the best course of action when faced with the myriad of options that present themselves in a backcountry trip. We are better when those thoughts have been committed to paper in a plan.

**Example:** My company, Northwest River Company does not make decisions at the launch site on whether to launch on the river or not. In the calm, undisturbed atmosphere of a winter meeting, my partner and guides have discussed and committed to paper when to go and when to stay. When the pressure is on at the river bank with clients who have traveled thousands of miles, anxious to run the river, there is no decision to be made – just implement the plan. There can also be pressures from the guides who may have varying levels of comfort. With a plan, written by the boss, the pressure is off. The same discipline that comes to dealing with a key safety issue is valuable as well in "how" things work, "when" we do it, "what" we do, "where" we do it and "who" does it.

**Value** - A good operating plan will add value to your business:

- 1) in the eyes of your employees,
- 2) in the eyes of your customers, and
- 3) in the eyes of your agency manager.

You need to think through what are the qualities of your operation that:

- Determine merit and desirability?
- What is it about your operation that makes employees want to work there?
- What makes customers choose your operation over others?
- What makes a manager desire your operation as a public service provider in the area?

By placing those qualities in your operating plan and sharing them with your employees and managers, you will demonstrate to them the value of your operation. Implementation of the plan with these qualities as its core, will produce an experience that your customers will value.

**Renewal** - Some managers will have the time and opportunities to experience first hand the value of your operation. They may visit your base, encounter the trip in progress, or hear reports back from other agency persons and customers. Many managers will experience your operation only through your operating plan. By involving the manager in plan development and by making the plan reflect a common outfitter/agency view of a professional, high value operation, there can be only one decision at renewal time – affirmative.

- The operating plan can establish a manager's view of your operation as one that is respected, reliable and renewable.
- The operating plan can establish in advance the ground rules by which your operation is judged.
- The operating plan will get recognition for all the effort you put in to make

- your clients' experiences good ones.
- The operating plan will provide documented evidence of how you and the manager have agreed your operation will be run. This can be important should there be a future dispute, or as often happens, new personnel comes into the area lacking understanding of an outfitter operation.

What needs to be in a plan that will meet requirements, improve chances of success, add value to your business and insure renewability?

- 1) Your company mission,
- 2) Required elements, and
- 3) Value added items.

## **Company Mission**

Mission could also be called your job, duty, purpose or function. It could be stated as simply as "taking people safely into the backcountry by boat, horse, on foot" or whatever conveyance you choose. But you should state a mission in writing as part of your operating plan. You will gain a connection to the values that many people place on the area where you work if you state your mission using the terms set forth in law or regulation as the purpose of the area.

The public statement of purpose could come from documents controlling operation of a hydro power project that controls the flow of the river where you work, or the forest plan that controls management of the area where you hunt. If you work in wilderness, the Wilderness Act is the place to look, or the Wild and Scenic River Act for a designated wild and scenic river. Legislation establishing a national park or a national recreation area is another source. The management plan for a BLM area or wildlife reserve could contain the stated purpose you are looking for. You can get a copy of these documents at your manager's office.

In my case, it is the Wilderness Act. According to the 1964 act, wilderness areas "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character .....". The mission statement for Northwest River Company says that our mission is "to facilitate the public's use and enjoyment of the Selway River and the Selway Bitterroot Wilderness area in a manner that will leave the river and wilderness unimpaired for future use and enjoyment as wilderness. It is our mission to provide a safe, high quality wilderness experience for the public with an emphasis on solitude, enhancing the public's understanding of the wilderness resource and protecting wilderness resources and values." Sound familiar?

I also pay attention to the Wilderness Act's statement "wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." Outfitters have long understood their mission of providing recreation, and today, we focus more attention on conservation, education

and history. So does my operating plan.

The Wild and Scenic Rivers Act contains this language, "...rivers ... possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values shall be preserved .... protected for the benefit and enjoyment of present and future generations."

## **Required Elements**

Every plan is required to state:

- Modes of transportation authorized
- Amounts and class of use
- Number of launches and people per launch
- Camps and people per camp or trip
- Describe proposed use of assigned sites

### **Modes of transportation authorized**

This is simply a statement of the type transportation you will use to transport people in the backcountry – horses, rafts, backpacking, llamas, bikes, power boat, etc. You should be aware of what type of transport is appropriate for your area. For instance, motorized equipment is obviously not allowed in wilderness areas.

### **Amounts and class of use**

This is a general description of the type of use and how much you plan to do.

For instance, for Art Griffith's Iron Horse Outfitters, he is running a Fall Hunting Operation and Summer Pack Trips, using a maximum 20 head of stock and he lists how many people will be in each camp.

For a river operation like Northwest River Company on the Selway River, it is described as

### **Launch Schedule and Trip Lengths -**

DATE	Length	Public	Guides	User Days
Mid-May Training Trip	3 days (approx)		5	
June 2 to June 5	4 days	12	4	48
June 8 to June 11	4 days	12	4	48
June 14 to June 17	4 days	12	4	48
June 20 to June 23	4 days	12	4	48
June 26 to June 29	4 days	12	4	48
July 2 to July 6	5 days	12	4	60
July 9 to July 13	5 days	12	4	60
July 16 to July 20	5 days	12	4	60

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## Camps & People Per Camp

### Describe proposed use of assigned sites

The Iron Horse Outfitters plan has a separate section describing each of their four assigned camps. For example:

#### Battle Creek Camp - Base Camp (hunting camp) - Exhibit "C"

This camp is located on Boise Meridian in SE, SE, Section 5, T33N, R15E.

This camp is currently used as a main hunting camp and a summer pack trip camp for fishing, sightseeing, camping, photography, trail riding and exploring nature. The summer camps for pack trips are on an itinerary basis during the summer months. This camp is also used as a jump-off point for taking hunters to spike camps.

During the fall hunting season facilities at this campsite include tent sites for seven (7) tents, temporary outhouse, meat poles, hitch rails and a portable electronic ribbon corral with nylon mangers, holding a maximum of twenty (20) head of stock.

At this campsite, the maximum number of hunters to be served at one time would be eight (8) and the maximum number of employees to serve the hunters would be seven (7). A maximum number of summer guests to be served from this site would be ten (10) and the maximum number of employees to serve the summer guests would be four (4).

Note the detail that Iron Horse uses in describing the camp, and the variety of uses for the site. He could have said it was just a hunting camp, but a better understanding of the many activities that occur is achieved by listing them (fishing, sightseeing, camping, photography, trail riding and exploring nature).

## Value Added Items

This is where we have the chance to dispel myths, educate and inform anyone who reads the plan. Teach them the true complexity and depth of an outfitted experience. We take for granted that our manager and staff know how much we do – but do they? Assume they do not and include as much as possible in writing. Much of it will come from existing documentation: pre-trip information sent to guests, cargo lists, a list of what is in your camp library, information you have received at a local or national outfitter meeting, etc.

Think about who administers your permit and who you encounter during normal operations. Some areas are fortunate to have managers and staff who share your love of the area and have been around long enough to understand your business. But only recently have federal land management agencies begun to train staff specifically in the administration of outfitter and guide operations. You might be dealing with the newest employee on the district. There may be a lot of turnover in your area. If that is the case, then you have the opportunity to do some of the

training – through your operating plan.

Iron Horse Outfitters has a section in its operating plan titled "CONCERNS." In this section, owner Art Griffith candidly lays out the challenges he faces in running a consistent operation when the personnel he works with in the agency is constantly changing and often not trained, "In the past some inexperienced field personnel often performed permit compliance inspections. The Forest Service should have personnel with working knowledge of outfitter operations and problems, handle the outfitter permits, and work closely with the outfitter in bringing his or her operation in line with the area management plan and Forest Service Policy." He states, "It is crucial that the Forest Service have personnel that have a good working knowledge to grade and rate an outfitter operation in a fair and adequate manner." To the agency's credit, the area where Art works is now leading the way in personnel training for outfitter administration.

At Northwest River Company, we use this section to inform everyone on guide requirements, our desired relationship with the agency, the "extra effort" we make in the field, our relationship with other users and our interpretive program.

This is what we include:

**Legal Requirements under Idaho Law** - Outfitters and Guides in Idaho are regulated under Idaho Code, Title 36, Chapter 21 and Idaho Code, Title 6, Chapter 12. These laws, and regulations promulgated by the state licensing board under them, make activities of outfitters and guides different and more challenging than those of the "self-guided" wilderness user. Section 36-2101 of Idaho Code states, "The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment and personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons." (emphasis added)

**Guide Qualifications & Training** - Northwest River Company guides will meet or exceed the minimum requirements for licensed guides in the State of Idaho as set forth in Idaho Code, Title 36, Chapter 21 and Idaho Code, Title 6, Chapter 12 and the rules of the Idaho Outfitters and Guides Licensing Board. The minimum requirements for Idaho guide licensing includes -

- Valid First Aid/CPR Training (renewable every three years);
- Have a minimum of three complete trips on the river under the direct supervision of a boatman licensed for the river;
- If already licensed as a lead boatman on other Idaho classified rivers, the guide may qualify on the Selway with one complete trip on the river under the supervision of a boatman licensed for the river;
- Lead boatmen must have a minimum of six complete trips on the river and be

- recommended in writing for that designation by a licensed outfitter;
- Be recommended to the Licensing Board for guide licensing by a licensed outfitter who certifies that he/she is:
- Qualified to perform the type of guiding for which he/she applies;
- Has extensive first hand knowledge of the area and waters where he/she will be guiding;
- Is able to read and understand a map and compass;
- Is clean and well mannered with a desire to please those whom he is called upon to serve.

**Partnership With the Forest Service** - It is the policy of Northwest River Company to pursue a partnership relationship with the Forest Service and its employees. The mission and purpose of Northwest is identical in spirit to the "Caring for the Land and Serving People" mission of the Forest Service.

It is our desire to have Forest Service personnel visit the camps and area we use and interact with the public that we serve. Our experience is that our guests are keenly interested in the job the Forest Service is doing in the Selway-Bitterroot Wilderness area. We view our Forest Service partners as a source of knowledge of the area, coworkers in our role of meeting the purposes of the Wilderness Act and often as friends with a mutual love and appreciation for the Selway.

We also recognize and respect the authority of the Forest Service in their administrative role in the SBW and expect a professional evaluation of our operations. We expect that authority to be exercised in an atmosphere of positive interaction among professionals working towards a common goal. We expect respect from the Forest Service personnel we deal with, as well as their recognition of -

- Northwest and its personnel's experience on the Selway River,
- Northwest and its personnel's knowledge of the Selway River and SBW;
- Northwest and its personnel's commitment to the protection of the SBW resource;
- Northwest and its personnel's commitment to quality service to the public.

It is the desire of Northwest River Company that any concerns the Forest Service has with our operations or procedures on the Selway be communicated by professionals at the District Ranger's or resource manager's level directly to Northwest's owners, Mike McLeod and Doug Tims, not through our respective field staffs. Immediate concerns involving resource conditions or other matters may be discussed at the wilderness ranger / guide level. Northwest River Company owners expect written follow-up from the wilderness ranger through the resource manager or District Ranger of any suggested changes relative to Northwest operations or procedures.

We do not wish to work in an atmosphere where we nit-pick the efforts of each other, looking for the opportunity to "bust the other's chops". We commit that our guests will end their wilderness experience on the Selway with a positive view of the role of the Forest Service. We expect the same of Forest Service personnel in

their interactions with agency personnel and the self-guided public regarding our role on the Selway.

It is our expectation that we will be given the benefit of the doubt that any negative resource or service conditions found on the Selway most likely did not come from us, and certainly are not due to any intentional act on our part. We are human, and will make mistakes, but our commitment to our Forest Service partners is that the balance sheet of our presence and role on the Selway River will be one reflecting an overwhelmingly positive professional contribution to the values of wilderness and the goals of the area's legal and management mandates.

**Non-Compensated Wilderness Services** - Part of the role of a professional outfitter and guide in wilderness is to make the extra effort in protecting the resource and demonstrating responsible, shared use of the area. We believe our presence on the Selway is a "leveraging" of the resources that the government and the Forest Service are spending and committing to protect and manage this area. We often encounter situations where less caring wilderness visitors have left litter or damaged the resource. This is particularly true on the early trips and in camps frequented by walk-in fishermen and self-guided stock users. It is the policy of Northwest River Company to utilize the human, time and equipment resources of the company to engage in practices including, but not limited to -

- Clean up trash left by other users and pack it out using NW equipment;
- Restore fire pits and rings to a naturalized condition;
- Remove wrecked or damaged equipment left in the wilderness;
- Educate other users who request information on the wilderness resource;
- Provide safety related assistance in emergency situations.

There are several ideas that a horse based operation could put in their plan in this area -

- Trail maintenance
- Clean up trash left by others and haul out using your company's stock and employees
- Emergency help for others, not only the human users, but also stock health or injury.
- Education and information for lost users or those unfamiliar with the country

**Interaction With Other Wilderness Users** - It is our goal that every encounter we have with other wilderness users, including agency personnel, ends with the other party having a view of Northwest River Company personnel as professional, courteous and knowledgeable. We will go out of our way to assist self-guided floaters if it appears they are open to interaction or in need of assistance. We will always offer assistance in accident situations.

We will be cautious, but open when offering information on the river and conditions. Information about water levels, rapids and potential hazards will likely



be used by self-guided boaters to make decisions in a risky and hazardous environment. The result of a decision to run a rapid is primarily dependent upon the skill level of the individual, which we have no way of judging for sure. Ultimately decisions to accept challenge and risk is the responsibility of the self-guided boater. We will always state the option of portaging ("We've done it"). We will not accept responsibility to lead anyone down river except Northwest River Company guests.

If it appears the desire of other boaters or wilderness users we encounter is solitude, we will respect their desire and not intervene in their wilderness experience.

When encountering stock on the trail, we will communicate with the lead packer, requesting proper positioning as the stock passes. Travel by horse and mule is a historical use of the Selway-Bitterroot Wilderness, representing a cultural value of the area, and we will present it to guests in a positive light.

**Interpretive Services** - It is of primary importance to Northwest River Company that our Selway River guests have the opportunity for a broad based wilderness experience, including knowledge of the area, its history, flora, fauna and management. We do not do "classroom" style talks. Our goal is to weave within the fabric of our guests' experience, multiple opportunities to learn about and understand the natural world around them. Some of the tools we use include -

- A knowledgeable and personable staff. In selection of guides, we choose naturally inquisitive persons who demonstrate a knowledge and appreciation for the natural world and a never ending thirst for more knowledge. We choose "people" persons who enjoy sharing the wilderness and our knowledge of it with our guests;
- Pre-Trip information - beginning with our newsletter, we set our guests' expectations to learn about wilderness. More information is given in the "Northwest Question and Answer" form. We send all guests a pre-trip reading list and list of vertebrates compiled on the river by a group of biologists we took from Bucknell University;
- Every trip is accompanied by a Library which includes a waterproof copy of the 1964 Wilderness Act, maps, books on Lewis & Clark, Nez Perce Indians, plant identification guides and more.
- Our drive to the river includes stops at "Travelers Rest" site, the West Fork District Office and Nez Perce Pass, where we discuss Lewis and Clark, river management, wilderness management and fire ecology;
- One of our guides is a University of Idaho graduate in Biology and is expert in identification of the plants in the Selway Bitterroot;
- All guides have read the "Moose Creek Ranger District Historical Information and Review" to improve their knowledge of the area;
- Fossils from the large find near Choteau, MT are carried on each trip with a waterproof National Geographic Society map of the North American continent 75 million years ago as an aid in our geology and dinosaur campfire discussions.

**Archeological Sites** - If, during our wilderness travels, or through the process of



digging a sump hole, we should encounter any artifacts or evidence of use of the area by primitive man, we will engage our guests in an interpretive process. We will involve them in making note of the nature and location of the find and restoring the site to its natural condition. We will notify the Forest Service of the find.

**Note** two items in this section. 1) We tell the agency we will make mistakes. It is impossible to run a backcountry operation without occasional problems and human error. However, we make it clear to the agency that the net value of our presence will be positive. 2) The last section on "Archeological Sites" was suggested to us by our District Ranger during a review of the draft plan. It is a good section and including it gives partial ownership in the plan to our ranger – a partnership effort!

## **LOGISTICS INVOLVING GUIDED PUBLIC**

**Pre & Post Trip Lodging** - The public will be met in Missoula at the Village Red Lion at 6:00 PM on the evening prior to their launch date. They will be encouraged to use the Village Red Lion prior to and after the trip, however some public may make their own arrangements. Information on lodging is supplied with the information packet (Exhibit "A"). Lodging confirmations at the Village Red Lion will be made by Northwest River Company personnel.

**Pre-Trip Orientation** - Pre-trip information begins with the packet sent to potential clients who call or write for information about the Selway (Exhibit "A"). Client receives an orientation talk which shall consist of:

**1) Introduction** - Leader introduces himself and his position with Northwest River Company. Ask each guest to tell their name, where they are from, what is their occupation, what brought them to the Selway, what are their expectations of the trip.

**2) Setting** - Welcome to Lewis & Clark Country, the Selway-Bitterroot Wilderness, and the Selway River. We are on the Lewis and Clark Trail and we will be stopping at interpretive sites. The Selway-Bitterroot Wilderness received instant inclusion in the National Wilderness Preservation System in 1964. The Selway River received instant inclusion in the Wild and Scenic River System in 1968. Northwest River Company's goal with this trip is to provide our guests a safe, high quality wilderness experience with an emphasis on solitude and enhancing their understanding of the wilderness resource.

**3) River Gear** - Each guest is given a dry bag, ammo can and NW duffel bag explaining their use and purpose. Dry bag - If you take proper care of it, taking time to close it and not poke holes in it by dragging or abuse, it will take care of your gear. Ammo Can - for day use items such as camera, sun lotion, glasses, etc.. NW Duffel Bag - For your own personal items and to take with you at the end of the trip (some years a T-shirt is given instead).

**4) Slide Show** - Present the slide show and narrative - Explains all logistics,



**Introductory Safety Talk at the Launch Site** - This talk is tailored to meet the needs of the group. The group is gathered at the bottom of the Paradise launch ramp and their undivided attention is gained. We introduce the other guides. Water conditions and weather dictate some of the content of the talk. We always end the talk with a question to the other guides, "Have I left anything out?" How each guide gives his or her talk may vary, but the following topics must always be covered -

- Check to assure life jackets are properly secured and snug. Show how to adjust.
- Explain the difference between an oar boat and paddle boat (if included on the trip).
- Explain to the group how many will be riding in each raft and suggest that they change boatmen throughout the trip (Offering your ammo can to the boatmen, "Do you have room for me to ride with you today?")
- Show an oar boat and explain how to enter and exit - "Don't grab or lean on the oars!" Clean your shoes before entering the raft. Be cautious about slippery surfaces. Be cautious about slipping on rocks. Explain that each individual boatmen will tie down the ammo cans and show them where to sit.
- Discuss high-siding and if the raft does flip, how to come up with their hands over their heads in case they come up under the raft ... then use their hands to work their way to the outside of the raft. They should move to the upstream end of the overturned raft using the hand line or frame .. don't be caught between the raft and a rock!
- If a paddle raft is on the trip, demonstrate how to sit and brace in a paddle raft. Helmets will always be worn in the paddle boat in whitewater.
- Caution people not to brace a leg under a thwart and to be careful not to extend a leg sideways. More injuries occur when guests collide in a raft than from people falling into the river. Focus on how each guest in each position should brace in.
- Explain how the paddle raft is a team effort and it is the guide's job to coordinate the individual efforts. Show the various maneuvering strokes. Talk about what happens if a passenger falls out: hold on to the hand line if possible, if not onto the paddle that can be extended by someone in the raft.
- Show how to pull someone back in the raft using the lapels of the life jacket, bracing your legs against the tubes and leaning backwards.
- Talk about the flip potential -- same drill as oar rigs. With paddle rafts it might be more efficient to do a mid-river recovery flip than swim everyone to shore or to the oar boats.
- A very careful talk should be given about an unplanned swim. **Emphasis that if a person is thrown into the water it is a SELF-RESCUE situation- be aggressive to save yourself, it is your life!** They should lie on their back and float feet first downstream while backstroking towards the nearest raft or shore. They need to angle their body upstream in the direction they want to go. They should never attempt to stand in moving water! If they are in deep or slow water, they should do a crawl stroke towards the nearest shore. Show a throw bag and

- demonstrate its use, explaining what to do if a rope is thrown to them (grab the rope, not the bag and roll onto your back when being pulled toward the thrower).
- Off river safety should be discussed as well. The most common accident is slipping or tripping getting in and out of the raft, or in camp or on the trail. Be cautious of wet rocks around the river, and sand on your shoes that can cause slipping on dry rocks. Snakes, including rattlesnakes, are native to the Selway area. No rock climbing or diving and jumping off rocks into the river. Filtered water is available in camp. It is the responsibility of all guests under Idaho law to inform the guides prior to leaving camp.

**Secondary Safety Talk** - In higher water conditions, an extra safety talk will be given at the camp immediately above the Moose Juice section. The same areas will be covered as in the Introductory Safety Talk, with greater emphasis on the increased speed and power of the river in this area and a higher risk of raft upset or passengers taking an unplanned swim. Guest will be moved into rafts depending on the guides' observation of their skills over the past two days.

## **RIVER & CAMP LOGISTICS**

**Launch Site Preparations** - Guides arrive at the Paradise launch site the evening prior to the launch day. Camping is available next to White Cap Creek one mile up the creek. It is preferable that rafts be rigged at the camp site on White Cap Creek if water level permits, then floated to the Paradise site. If this alternative is not possible, rigging may occur at the Paradise launch ramp.

During the rigging process, do not block the Selway river trail in the event a pack string exits the trail and needs to traverse the parking area. If another party is at the launch site, be courteous, sharing and helpful.

**Water Levels Decisions** - Northwest River Company deals with varying water levels by making the decision to launch or not, by adjusting the type and size of rafts used and by adjusting running procedures. Water levels are difficult to predict because they are controlled by natural forces and the reports by federal agencies on gauge readings are intermittent and taken by people with varying levels of knowledge of the river.

Decisions on launch and equipment will be made based on the best information available to Northwest River Company the day prior to launch (see Pre-Trip Information Sheet - Exhibit "A").

**Launch Decision** - At levels below 1.2 feet on the Paradise gauge, the guests and some gear will be flown into Shearer landing strip. Guides will leave Paradise at first light on the launch day with empty rafts, deadheading to meet the guests at Shearer. If the group for the day prior to our scheduled launch has canceled due to low water, or we have had the opportunity to ask and received their permission, the guides will launch that afternoon and go part way to Shearer. At levels below .9 feet, all equipment, guides and guests will be flown to Shearer to start the trip. The numbers of flights necessary to accomplish a low water situation launch from



running, two safety ropes will be set up below on the right. If available, an experienced guest will be asked to man one safety rope, allowing the other guide to man a chase boat ready at the top of the rapid, otherwise, both extra guides will be below manning safety ropes. The first two boats will set up below on the right prior to the second two boats running Lidle.

The normal procedure for running Wolf Creek is 2 + 2. Two boats run first, setting up safety positions below as soon as possible, then the other two boats following.

**Camp Set Up** - On arrival in camp, organize the group to do a "chain gang" unloading of gear from the rafts. Indicate where the kitchen will be and suggest locations for tents. On the first night organize a tent pitching class for the guests using Northwest tents. It is preferable to use already impacted areas rather than impact a new one. Do not locate tents near standing dead trees (this may be impossible, due to the large number of fire impacted camps on the river, leaving guests open to high risks).

Tell everyone where the porta-potty will be located, as well as the hand wash station. Be observant of guests activities in case someone has not picked up the message on litter or minimum impact practices - make the correction a positive experience. Make sure guides know when and where guest hiking activities are occurring so we can expect their return.

Guides "walk the camp" prior to departure making a last minute check for any litter or items left behind.

**Camp Schedules** - Coffee will be available at 7:00 AM, Breakfast at 8:00 AM. Launch can occur between 10:00 AM and 1:00 PM, depending on weather, water conditions and the trip leader's goal for the next night's camp. Lunch can be prepared at a lunch stop during the day, after arrival in camp on a day when the start was early, or prior to leaving camp on a late departure day.

**Food Handling and Preparation** - A clean kitchen is of the utmost importance. All guides will wash their hands prior to food preparation and wear neat, clean clothes while cooking. Dish washing will be done using three buckets using hot soapy water, hot rinse, and chlorine rinse. Cooking will be done on a propane stove, in dutch ovens and on a grill over the fire pan.

**Garbage** - All garbage that is not burned will be stored in plastic bags, removed from the river, and deposited at a dumpster in Missoula.

**Human Waste** - Although the Selway River management plan allows the burying of human waste, Northwest River Company has a policy of removing solid human waste. We use a "Johnny Partner" system that contains the material until disposal at a dump station in Missoula.

**Waste Water** - Waste water from hand wash operations may be cast into the



bushes well above the high water line. Waste water used in washing dishes that may contain food particles will be strained to remove food particles, then poured into a sump hole dug away from camp for the purpose of disposing of waste water.

**Fire Pan and Firewood** - Although the Selway River management plan allows fires to be built on the ground and ashes thrown in the river, at Northwest River Company, all camp fires will be built in the metal fire pan supplied by the company and carried on every trip. Ashes will be collected from the fire pan prior to leaving camp and stored in the large ammo cans provided for this purpose. Any coals or ashes that have fallen from the fire pan will be collected by shovel and by hand and placed in the large ammo can for removal from the river. Ashes will be dumped at a dumpster in Missoula at the end of the trip.

**EMERGENCY FIRES -**

In cases where NW guests are caught in unusual climatic conditions involving cold and damp conditions that may lead to hypothermia, a fire may need to be built outside of a normal camp setting. If readily available (not buried in the duffel pile to the extent it will delay meeting the guests' health needs) the fire pan and ash box will be used. If not readily available, at the discretion of the trip leader, a fire may be built on the ground for temporary warming use. If this occurs, it is the joint responsibility of the guide building the fire and the lead guide to assure that the fire is 1) properly contained, 2) fully extinguished at the end of the period of use, 3) fire site is cleaned and naturalized prior to leaving the area. Coals may be dispersed by throwing them into mid stream, as outlined in the river management plan.

**FIREWOOD** - Only dead, downed wood will be used. Driftwood is preferable. Prior to leaving camp firewood will be either stacked to simulate natural conditions or dispersed along the high water mark simulating natural conditions.

**Fishing Practices and Regulations** - Everyone who fishes is required to have a valid, current fishing license issued by the State of Idaho. Fishing regulations vary on the Selway depending on time of year and location (main stream, tributary or distance up tributary). It is the policy of Northwest River Company to inform all guests that all fishing on the Selway and its tributaries is catch and release with artificial lures only and single barbless hooks. This is to be done as part of the NW Newsletter, Q&A literature sent to prospective clients, pre-trip orientation talk in Missoula, river side pre-launch talk and in any one on one questioning by fishing guests.

**Take-Out Procedures** - Like the launch area, we need to be respectful of others at the take-out site. Keep all our gear together and leave room in case another party shows up to share the site. Our first priority is feeding the guests and getting them comfortably on the bus for the return trip, then complete the packing of gear for the trip back to Missoula.

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# **SAFETY**

**Risk Management** - Through the procedures outlined in this plan and the experience of our staff, Northwest River Company seeks to manage the risk of a wilderness trip on the Selway River. Northwest River Company cannot eliminate the inherent risk of travel by boat in a wilderness setting with numerous naturally occurring hazards. Recognizing the inherent risk of wilderness and that it is to be managed as a natural environment, untrammelled by man, it is not consistent to alter the wilderness environment to minimize risk, or to hold the outfitter permit holder responsible for abatement of naturally occurring wilderness risks. These risks are part of the natural environment that may not be abated, nor shall the outfitter permit holder be held liable or responsible for such risks or abatement, notwithstanding any clause of the special use permit of which this operating plan is made a part.

**Accident Procedures** - All guides are expected to be familiar with the following items located in a waterproof bag on the lid of the safety gear box -

- "Guidelines For Handling An Accident" provided by the Northwest River Company insurance carrier (Albany Insurance);
- Accident Report Forms;
- Witness Statements;
- Emergency Phone List;
- Trip Log Forms;
- Landing Zone Guide for Life Flight evacuations.

**Evacuation Sites And Radios** - Private inholdings and administrative sites are manned intermittently. Backcountry radio access is not guaranteed at any site. In an emergency requiring communication or evacuation, these sites will be considered

- Running Creek Ranch
- North Star Ranch
- Shearer Landing Strip and Guard Station
- Selway Lodge
- Moose Creek Ranger Station

**Evacuation Procedures** - If motorized evacuation is necessary within a wilderness boundary, approval from the Forest Service will be sought if possible. If prior approval is not feasible, the Forest Service will be notified as soon as possible after the evacuation. If it is necessary to fly a guest out due to injury or illness, see Accident Procedures above. If a guide must leave the trip, two options may be considered -

- 1) Get a message out to Doug or Mike to replace the guide.
- 2) Leave one boat and consolidate the trip to three boats, Notify the Forest Service of the location and plans for removal of the boat that is left.



As I was preparing my operating plan for the next year, I took a small disposable camera on the river and documented several activities, then included the photos in the plan. We use pictures of:

1. Hauling out trash left by others
2. Human waste disposal system
3. Straining waste water
4. Dispersing firewood
5. Cleaning up an old fire ring
6. Water filtration system
7. Propane cook stoves

In the final copy, we used color copies of this page to add a more professional, colorful look to the plan.

## Plan Development Process

Putting together a good plan is easier than most people think. You already have most of the components. It is just a matter of organizing them and building on them. I make extra exhibits at the back of the plan out of many of the common items I commonly use in our operation –

- Pre-trip information sent to guests
- Gauge reading chart for the river
- Equipment and repair kit list

Here are the steps as you begin to formulate ideas of what to include –

1. Make a list or outline,
2. Don't forget to sit down with your partner and guides to get their input,
3. You don't have to be computer literate to make it look nice. Most communities have well equipped copy and printing companies, like Kinkos, that have all you can possibly need in the way of computers, scanners, binding and reproduction of color photos. I spent about \$120 for 12 finished copies with a card stock cover, spiral bound and color photos in the back. A little extra effort can go a long way to make your plan appear neat, organized, and professional looking.
4. Do a draft copy in black and white;
5. Contact your ranger and set up a time to review it and seek input;
6. Send the ranger an advance copy prior to the meeting;
7. Honestly seek their input - include it in the final draft;
8. Send your final draft for verbal approval;
9. Do a final master copy with color photos, binding, cover, signatures;
10. Distribute the finished product.

Why did I make 12 finished copies? I thought through all the contacts I have with agency persons before, during and after a trip and made sure each one had a copy. There is a backcountry ranger station we pass on the river that is manned by volunteers throughout the summer. I placed a copy on their reading shelf and came back later to find it dog-eared from use.

Copies go to our guides and we keep a waterproof edition for camp.

## **Fair Evaluation**

Your operating plan is an insurance policy for fairness in the evaluation process. It literally gives you the opportunity to help write the ground rules. You are setting the expectations of the people who will ultimately judge your performance. Don't forget, be frank - you will make mistakes.

### **How Will You Be Evaluated?**

Different agencies in different areas will review your operations in different ways, but they will all have some fundamentals in common. You should ask your manager for information on the evaluation process. Reviewing the process will help you understand what is expected of you. You can use this understanding in the development of your operating plan and in the training and information you give your guides. Think of it as a pre-exam review by a good teacher who may not give you the test up front, but does take the time to review the course and let you know what is important.

Here are some categories that are in an evaluation form in Region One of the U.S. Forest Service. As you can see, most, if not all, are considered in one way or the other in this course. If we as outfitters can derive a clear understanding, in common with our manager, of what is expected of us and how we are going to achieve it, there is much less room for disagreement or disappointment when it comes time to have you operation evaluated and your permit renewed.

### **General Categories**

- Service to the Public
- Compliance with permit conditions
- Compliance with operating plan
- Equipment/Livestock
- Safety
- Resource Protection
- Major incidents, if any

### **Service to the Public**

- Are rates, services and accommodations provided as represented?
- Did holder show courtesy to non-outfitted public?
- Did clients receive educational and interpretive information about area?

### **Compliance With Permit**

- Was application, insurance, signing and payment timely and properly completed?
- Were use reports submitted accurately and on time?



- going to do to get there -- with options;
- Operations in natural, environments are inherently uncontrollable;
- Plans and processes must reflect alternate plans and acceptance of some errors and mistakes in getting to the final outcome - a safe, enjoyable trip.

### **Conclusion**

I'm going to assume that most outfitters and guides who read this are motivated to be in this business by feelings similar to mine. I want to spend as much time as possible doing the things I like -- running the river, enjoying the backcountry, sharing good times with others who enjoy nature. You can develop a good operating plan using the guidelines set forth here. Feel free to copy verbatim or selectively edit any portion. It should only take a few hours over a few days to develop a finished product. The end result will be more time over the period of your permit doing the things you like to do.





Bill Owens  
Governor

Colorado Department of Local Affairs  
Executive Director, Michael L. Beazley

**DIVISION OF PROPERTY TAXATION**

Mary E. Huddleston  
Property Tax Administrator

B

TO: APPLICABLE GOVERNMENT AGENCIES  
FROM: Mary E. Huddleston  
Property Tax Administrator  
SUBJECT: Possessory Interest Data Request  
DATE: December 2, 2003

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**MEMORANDUM**

The Colorado Division of Property Taxation is requesting lease/permit information from your agency in order to comply with the Colorado Supreme Court decision; see Board of County Commissioners, County of Eagle, State of Colorado v. Vail Associates, Inc. et al and the Board of Assessment Appeals and Allen S. Black et al, v. Colorado State Board of Equalization, 19 P. 3d 1263 (Colo. 2001). In its decision, the court ruled that certain possessory interests are subject to ad valorem taxation in Colorado.

A possessory interest is defined as a private property interest in government-owned property or the right to the occupancy and use of any benefit in government-owned property that has been granted under lease, permit, license, concession, contract or other agreement. The use of the property must be in connection with a business conducted for profit.

Based on the direction of the court and our research we have determined that taxable possessory interests may include, but are not limited to:

1. Private concessionaires utilizing government owned land, improvements, or personal property that are not operating pursuant to a management contract as defined in 39-1 - 103(17)(a)(III), C.R.S.
2. Government land and improvements used in the operation of a farm or ranch.
3. Government land, improvements, and/or personal property used in the operation of ski or recreational areas.
4. Land underlying privately owned cabins or other residential property located on government land that is rented commercially.
5. Recreational use of lakes, reservoirs, and rivers in a revenue-generating capacity.
6. Recreational use of land for outfitting purposes in a revenue-generating capacity.
7. Land, improvements, and personal property at a tax-exempt airport.

The lease/permit information is collected by the Division and then disseminated to each applicable county assessor's office. This process was originally set up to alleviate each government agency from fielding requests from numerous counties within the state. However, some of the data received in 2003 was not all-inclusive causing some interaction between individual counties and local district offices. We realize this may occur again.

In order to expedite the process of collecting possessory interest lessee/permittee information

from your agency, it would be helpful if the following column headings, preferably in an EXCEL spreadsheet format, would be used. The headings listed below represent the minimum amount of information needed for most types of permits or leases. More complicated agreements and/or agreements involving more than one county will be researched by each respective county assessor.

AUTHORIZATION #, ALLOTMENT # OR NAME, LEASE #, etc.

COUNTY

LESSEE/PERMITTEE NAME

MAILING ADDRESS

CITY

STATE

ZIP CODE

LEGAL DESCRIPTION (Property Situs)

At the least, a township and range

ANNUAL PAYMENT

CONTRACT DATE (Start-up date)

EXPIRATION DATE

Any additional information may be included if already resident on your database. It would be greatly appreciated if this data could be made available as soon after January 1, 2004, as possible. You may e-mail the data directly to [judy.kahl@state.co.us](mailto:judy.kahl@state.co.us). If you have any questions regarding this process please call Judith Kahl at 303.866.2683.

Thank you for your cooperation.

## Glossary of Terms

### A

**Acceptable Performance** means that the permittee has generally operated in accordance with the terms and conditions established for the permit. This may include some minor deficiencies that need correction. If deficiencies persist after a reasonable time period following notification, they may result in a probationary rating.

**Actual expenses** means expenses directly related to the permitted activity. These may include costs of such items as food, rentals, transportation, and permit or use fees. Actual expenses do not include the rental or purchase of personal equipment, amortization of equipment, salaries or other payments to participants, or profit.

**Affiliate** means any entity or person that controls, is controlled by, or is under common control with, an applicant or permittee.

**Allocation** is the assignment of use between and rationed among competing users for a particular area of public lands or related waters. Allocation includes both direct and indirect methods.

**Applicant** means any individual of legal age, a State or local Governmental entity, a partnership, corporation, association, or other business entity subject to the laws of any State or of the United States, that applies for a permit or lease. On public land in the State of Alaska, the applicant includes the United States Department of Defense and its agencies or the Commandant of the Coast Guard.

**Assignment (subletting)** is the prohibited practice whereby a permittee assigns, subleases, sells, or otherwise transfers authorized use to another individual, group, or business.

**Authorized officer** means any employee of the BLM to whom authority has been delegated to perform the duties described in this part.

**Authorized Representative** means any person(s) authorized by a permittee to conduct permit related business with the BLM.

### B

**BLM co-sponsored recreational activity or event** means an activity or event that BLM is involved in organizing and hosting, arranged through authorizing letters or written agreements.

**Bond** is a contractual arrangement between the Government, the permittee and a financial institution that provides monetary protection for the public for allowing use of the public lands.

**Bond (cash, payment, surety)**

**Cash Bond** is an amount of money deposited with the Government which can be drawn upon to defray the cost of restoration and rehabilitation of the lands affected by a permitted use.

**Payment Bond** is an amount of money deposited or a promissory arrangement entered into to guarantee payment of fees associated with a special recreation permit.

**Surety Bond** is a promissory note of a financial institution that guarantees payment of an amount of money to be used to defray the costs of restoration of the lands affected by the permitted use.

**Booking Agent** any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and service to outfitter clientele.

**Business Plan** as used in this manual is a written document that describes the objectives of the BLM fee program and how management intends to achieve them. A business plan is tailored to address the complexity of the venture described and the major features of the financial and environmental surroundings within which it will be implemented.

**C**

**Certificate of Insurance** is an official documentation from a licensed insurance company that proves the applicant/permittee has a valid current insurance policy covering the activity or event specified in the Special Recreation Permit, and that the United States Government is listed as an additional insured.

**Commercial Recreation Photography** means motion picture and video photography, advertising still photography, and still, motion picture, or video photography taken of public land recreation users for sale to those users.

**Commercial Use** means recreational use of the public lands and related waters for business or financial gain.

(1) The activity, service, or use is commercial if--

- (i) Any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation from participants in recreational activities occurring on public lands led, sponsored, or organized by that person, group, or organization;
- (ii) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use;
- (iii) There is paid public advertising to seek participants; or
- (iv) Participants pay for a duty of care or an expectation of safety.

(2) Profit-making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is not profit-making or the business as a whole is not profitable.

(3) Use of the public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when it meets any of the threshold criteria in paragraphs (1) and (2) of this definition. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

**Common Pool** is a method or mechanism to reallocate user days from those who cannot use previously assigned user days to those who desire new or additional user days.

**Competitive use** means any organized, sanctioned, or structured use, event, or activity on public land in which two or more contestants compete and any of the following elements apply:

- (1) Participants register, enter, or complete an application for the event; or
- (2) A predetermined course or area is designated.

It also means one or more individuals contesting an established record such as speed or endurance.

**Compensation** means making, or attempting to make, a profit, salary, or increase in business or financial standing, or supporting any part of other programs or activities, to include receiving fees, charges, dues, service swaps, or something which is not strictly sharing of actual expenses incurred from amounts received from or for outfitting services rendered or to be rendered.

**Cost Recovery** means fees charged by the BLM to cover the costs of processing a Special Recreation Permit. Processing charges may include the cost of environmental analysis, consultation with other agencies, and conducting public participation. For short-term high intensity uses (e.g., large one-day motorcycle race), processing costs may also include monitoring, use supervision, permit compliance, and post use reports and closeout.

## **D**

**Designated Entrance Fee Area** is an area or closely related group of areas administered by the BLM where BLM may charge an entrance fee.

**Designated Recreation Use Facility** is a posted U.S. fee area.

**Desired Use Level** is the amount and type of recreational use an area can accommodate without altering either the environment or the user's experience beyond the degree of change deemed acceptable by the management objectives for the area; can also be called the maximum allowable use level. Desired use levels are developed through the use of "Limits of Acceptable Change" or a "Recreation Opportunity Spectrum" analysis.

## **E**

**Event** means a single, structured, organized, consolidated or scheduled meeting or occurrence for recreational use of public land and water resources; may be composed of several related activities.

## **F**

**Fee area** means a site that contains or provides specialized facilities, equipment, or services for or related to outdoor recreation, and that is administered by BLM.

## **G**

**Gross Receipts** is the total amount of money and/or the value of other considerations received by a permittee for undertaking a permitted activity, including, but not limited to: entrance fees; gate fees; revenue from sale of images or broadcast rights; donations of cash, goods, rental fees, advertising rights, or commercial services, on-site sales conducted under the permit, etc.

**Guide** any individual providing services or assistance for and outfitter such as supervision, protection, education, training, packing, touring, subsistence, interpretation, or other assistance to individuals or groups in their pursuit of a natural resource-based outdoor activity. The term “guide” includes the permit holders employees, agents, and instructors.

## **H**

**Historical Use** is the average of the highest two use seasons in the preceding 5-year period.

**Holder** means the party who has received a permit or lease.

## **L**

**Land use authorization** means either a permit or a lease issued under the lands regulations in 43 CFR 2920.

**Limits of Acceptable Change** the amount of human-caused change to biological, physical, or social components which are tolerable within an acceptable level without degrading the recreational experience.

**Long term visitor use area** means a designated special area where visitors pay a fee to camp for a designated period in excess of the usual occupancy limits, as authorized by permit.

## N

**New Application** is a new application for a new use that has not been previously authorized.

**Noncommercial use** means a recreational activity on public land or related waters where actual expenses are shared equally among all members or participants. Any person, group, or organization seeking to qualify as noncommercial must establish to the satisfaction of BLM that no financial or business gain will be derived from the proposed use. Fund raising for any purpose renders an activity a commercial use.

## O

**Off Highway Vehicle** (a.k.a. off-road vehicle) is any motorized vehicle capable of, or designed for travel on or immediately over land, water or other natural terrain excluding: any non-amphibious registered motorboat; any military, fire, emergency or law enforcement vehicle while being used for emergency purposes; any vehicle whose use is expressly authorized by the authorized officer or otherwise officially approved.

**Operating Plan** is an applicant's/permittee's plan to conduct their activity or event on public lands or related waters in conjunction with a Special Recreation Permit. An operating plan will describe at a minimum how services will be delivered, how an event will be conducted, and describes measures that will be implemented to protect resources and provide for public health and safety.

**Organized group activity or event** means a structured, ordered, consolidated, or scheduled event or occupation of public lands for the purpose of recreational use that is not commercial or competitive, and which BLM has determined needs a special recreation permit based on planning decisions, resource concerns, potential user conflicts, or public health and safety.

**Outfitter** any individual providing through rental or livery any saddle or pack animal, vehicle or boat, tents or camp gear, or similar supplies or equipment, for compensation. The term "outfitter" includes the permit holders employees, agents, and instructors.

**Outfitting Services** means providing transportation of individuals, equipment, or similar supplies, or wildlife by means of vehicle, vessel, or pack animal, facilities including but not limited to tents, cabins, camp gear, food, or similar supplies, equipment or accommodations, and guiding, leading, packing, protecting, supervising, instructing, or training persons or groups of persons in the take or attempted take of wildlife

## P

**Payment Bond** is an amount of money deposited or a promissory arrangement entered into to guarantee payment of fees associated with a special recreation permit.

**Permit** means an authorization, revocable by or at the discretion of BLM, to utilize public lands for a fixed period of time. A permit conveys no possessory interest in the land.

**Permittee** is an individual, group or organization who has fulfilled all the requirements for and has been awarded a permit.

**Probationary Performance** means that the permittee has not operated in full accordance with the terms and conditions of the permit. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law and doesn't pose a threat of significant resource damage. Corrective action by the holder is mandatory and continued operation at this level of performance is unacceptable. Permits under probation are not transferable.

**Paid Public Advertising** is any written, oral, or graphic statement or representation made by any person or representative on their behalf in connection with the solicitation of participants. It computer media, internet sites available to the general public, listing on public event calendars, printed brochures, newspapers, leaflets, flyers, circulars, billboards, banners, or signs.

**Public lands and Related Waters** means any lands or interests in land owned by the United States and administered by the Secretary through the Bureau of Land Management, without regard to how the United States acquired ownership, except: (1) lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts, or Eskimos.

## **R**

**Recreation Opportunity Spectrum (ROS)** is a continuum used to characterize recreation opportunities in terms of setting, activity and experience opportunities. Refer to BLM Manual Handbook 8320.

**Recreation Use Permit (RUP)** means a permit issued to individuals or groups for the short term recreational use of specialized sites, facilities, equipment, or services furnished at Federal expense. Recreation Use Permits are commonly used at campgrounds and other “fee areas” and are often self-issued onsite by the visitor, e.g., as campground envelopes.

**Related Waters** are waters which lie directly over or adjacent to public lands and require some management control to protect Federally administered resources or to provide for enhanced visitor safety.

**Renewal** is a reauthorization of an expired permit with no significant changes.



## **S**

**Secretary** means the Secretary of the Interior.

**Special Area** means:

- (1) An area officially designated by statute, or by Presidential or Secretarial order;
- (2) An area for which BLM determines that the resources require special management and control measures for their protection; or
- (3) An area covered by joint agreement between BLM and a State under Title II of the Sikes Act (16 U.S.C. 670a et seq.)

**Special Recreation Permit** means an authorization that allows specified recreational uses of the public lands and related waters. Special Recreation Permits are issued as a means to manage visitor use, protect natural and cultural resources, and as a mechanism to authorize commercial, competitive, and vending use; organized group activities and events; and individual or group use of special areas.

**Sponsor** means a person or entity who assumes or shares responsibility for a permitted recreation activity or event.

**Surety** means one who agrees to pay money or to do any other required action in the event that the permittee fails to do so.

**Sublease** means a transaction whereby the holder allows another party to exercise the rights authorized under a lease.

**Surety Bond** is a promissory note of a financial institution that guarantees payment of an amount of money to be used to defray the costs of restoration of the lands affected by the permitted use.

**Suspension** means to withdraw authority to operate a permitted activity for a specified period of time.

## **T**

**Termination** means to revoke the authorization of use.

**Transfer** is when permit privileges are transferred to a new owner or entity.

**Trespass** means any use, occupancy, or development of the public lands or their resources without authorization from the United States if authorization is required, or exceeding such authorization, non-compliance, or causing unnecessary or undue degradation of the land or resources.

## U

**Unacceptable Performance** means that the permittee has not operated in accordance with the terms and conditions of the permit and cannot be allowed to continue. The level of performance is a threat to the safety of guests or others or involves a serious violation of law, significant resource damage, or major violation of administrative or financial obligations. Unacceptable performance may be grounds for permit termination and permits with unacceptable performance are not subject to transfer.

**Unnecessary or undue degradation** means disturbance of land or interest in land greater than that which would normally result when the same or a similar activity is conducted in a prudent and proficient manner.

## V

**Vending** means the sale of goods or services, not from a permanent structure, associated with recreation on the public lands or related waters, such as food, beverages, clothing, firewood, souvenirs, photographs or film (video or still), or equipment repairs.

**Violation Notice:** (violation notice BLM form 9260-9) is a process permitted by law and serves to bring the violator before the court without the necessity of an office immediately taking the arrested person before a magistrate. This method will be utilized only when sufficient probable cause exists that the violation occurred and that the subject apprehended is the violator. Authorization to issue violation notices is granted only to commissioned law enforcement officers.



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\_\_\_No

Comments:

Annual Evaluation Completed By: \_\_\_\_\_ Date  
Annual Evaluation Approved By: \_\_\_\_\_ Date

## **SRP Application Fee Proposal Fact Sheet**

- BLM Colorado manages over 800 Special Recreation Permits annually. Through these commercial services, BLM provides a variety of recreation opportunities including: big game hunting, fishing, float boating, hiking, biking, horse and jeep tours, hot air ballooning, and paragliding, among others. BLM also provides opportunities for organized groups activities such as jamborees, weddings, etc, and special events such as fund raisers, races, endurance rides, etc.
- The proposal would establish – on a consistent basis – statewide application, transfer, and renewal fees for Special Recreation Permits to help offset the cost of processing SRPs. The fee will apply only to commercial, competitive, or organized group activity and event use types of special recreation permits.
- Suggested implementation would be in FY-2006.
- The proposed fees are as follows:
  - New Permits - \$100
  - Renewals (re-issuance of expired permits) - \$50
  - Transfers - \$100
  - Annual Operating Authorizations - No fee charged
- Currently there is no application fee;
- Provides clarity on application fee vs. use fee;
- A statewide application fee will make consistent the cost of applying for and receiving a commercial special recreation permit from BLM. This will be a Non-Refundable application fee.
- Currently Colorado offices have been requiring the \$90 minimum use fee for new permit applications. If a permit is not issued, some offices return the funds while some offices keep the fees to offset the costs of evaluation.
- 43CFR2932.3 1, d, 1-4, gives the State Director the authority to set and adjust fees for SRPs; in addition, the Bureau of Land Management's (BLM's) Priorities for Recreation and Visitor Services (Purple Book) Goal 3: Provide for and Receive Fair Value in Recreation supports the statewide fee.

- The fee would put dollars spent on processing permits back into field offices for on the-ground work such as Law Enforcement, seasonal employees, site improvements, etc.
- The public and private outfitters will benefit from the fee through increased law enforcement capabilities, further funds for signing and interpretive education, and a greater presence by BLM staff in the field to control illegal operations on our public lands.
- This is strictly an administrative fee that is within BLM's authority to implement.
- This fee creates consistency throughout the state.
- The fee **only** affects commercial and organized activities requiring a SRP.
- The average cost to existing permit holders will be \$10.00 per year, as most permits are renewed every five years.
- This is not an access or use fee

**U.S. Department of the Interior  
Bureau of Land Management**

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Colorado State Office  
2850 Youngfield Street  
Lakewood, CO 80215